

Royal College of Nursing (RCN)

**Process and governance review of the staff side negotiations
decision making and communication to members of the 2018
NHS Pay Deal.**

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1. Introduction

Electoral Reform Services (ERS) has been commissioned by the Royal College of Nursing (RCN) to undertake an independent review of events leading to the public apology issued by the former Chief Executive and General Secretary, Janet Davies, on 25th July 2018 in relation to implementation of the Framework agreement on the reform of Agenda for Change, known as the NHS pay deal.

The apology, issued as a blog on the RCN website entitled 'I want to offer you a sincere personal apology' and emailed to the membership states that, 'In good faith, we told all members that they would receive a 3% uplift this summer. I now find that this is not the case for everyone.'¹

A follow up statement on 27 July 2018 announces that the RCN Council has met and agreed that an immediate independent external review will look at circumstances surrounding the issue.

This draft report documents the initial findings from phase one of the review.

Phase two of the review will develop and investigate further some of the areas that we have discussed in this report as indicated in the various sections.

Important note

The report findings are based on documentation provided for review, and interviewees selected to participate, by RCN. For this reason, non-conformity or other factors may exist which have not been identified by the auditor. Neither ERS, nor the auditor can be held responsible for any non-conformity that may exist but has not been reported or discovered.

¹ See Appendix 1: apology issued on 25th July and blog 'We are sorry that you will feel let down' July 27th 2018.

2. Brief and Terms of Reference

BRIEF FOR A PROCESS AND GOVERNANCE REVIEW OF THE STAFF SIDE NEGOTIATIONS DECISION MAKING AND COMMUNICATION TO MEMBERS OF THE 2018 NHS PAY DEAL

RCN Brief

To undertake an end to end process review of the negotiations, decision making and communication to members of the 2018 NHS Pay Deal.

To identify the basis on which decisions were taken, at each individual stage from the initial negotiations and by who, to articulate, communicate and recommend the deal to Council, the governance committees and the membership and on how the deal would be communicated to the wider membership.

To identify the basis on which decisions were taken, at each individual stage from the initial negotiations and by who, to articulate, communicate and recommend the deal to the Chief Executive & General Secretary and the Executive Team, and on how the deal would be communicated.

To determine whether the Council and governance committees were informed about the details and impacts of the deal in a way that enabled them to make an informed balanced judgement for their decisions

To determine whether the Chief Executive & General Secretary and the Executive Team were informed about the details and impacts of the deal in a way that enabled them to make an informed balanced judgement for their decisions

To determine whether the membership was informed about the details and impacts of the detail in a way that enabled them to make to make an informed balanced judgement for their decisions

Scope

The business process review will involve:

- interviewing relevant staff and members to create a high level process map of the business processes and governance arrangements followed in these negotiations and the communication of the outcomes across the 4 countries
- using a RACI model (Responsible, Accountable, Consulted and Informed) model (or equivalent) to identify the roles and responsibilities of all those involved
- reviewing the process map and RACI chart with process owners for accuracy and editing until the processes and roles and responsibilities are represented accurately
- delivering a final set of business processes and RACI chart in a Business Process Review Report
- carrying out an in-depth review of our "as now" processes; our management and governance documentation and decision making arrangements to identify any shortcoming in the process using a "just" culture approach and recommend what specific changes are needed
- reviewing the documentation, presentations and communication materials provided through the process to identify if the information was clear, accurate, objective including both positive and negative elements for informed decision making and clear communication
- presenting your recommendations to the Council and the Executive Team to gain agreement on what changes to our ways of working and processes are needed
- mapping out the proposed changes required to current management and governance processes and
- defining the requirements to implement the changes through the development of a project plan

Implementation

Phase One

Auditor to provide a draft review of the business processes and governance arrangements followed in the NHS England 2018 Pay Deal (i.e. excluding Wales and Scotland).

The review will be delivered as a report comprising two sections:

Business process review for the NHS England 2018 Pay Deal

The business process review will identify the business process and roles and responsibility of all those involved.

Findings and next steps

Findings: The review will identify if the information provided and considered at each stage of the business processes (negotiation, decision making and communication) was clear, accurate, objective including both positive and negative elements for informed decision making and clear communication, from or to:-

- Council
- Governance Committees
- Membership
- Chief Executive and General Secretary
- Executive Team

Next Steps: If it is identified that there were shortcomings in the processes, the review will detail the shortcomings and recommend what areas of the business process require further review.

Phase Two

- final report
- presentation to Council and the Executive Team of the review and its findings
- agreement on what areas of the business and governance processes require further consideration
- further recommendations for change to be considered by the Council and Executive Team
- mapping out the proposed changes required to current management and governance processes
- defining the requirements to implement the changes through the development of a project plan

Stakeholders

Members of the RCN Council

Trade Union Committee

Executive Team

Employment Relations, Governance and Communications Staff teams

RCN Members directly employed by the NHS across the UK

3. Review Approach

This review seeks to understand the business process undertaken at RCN through the negotiation, decision making and communication stages leading to the development and endorsement (via member consultation) of the NHS pay deal, and to identify the roles and responsibilities of key participants.

This is an evidence based assessment and includes the review of documentation, presentations and communication materials submitted by RCN for review; external sources such as media articles and information from other health unions; and the interviewing of representative stakeholders.

Approximately 400 documents have been submitted by RCN for review. These have been triaged and assessed for information pertaining to process mapping, roles and responsibilities modelling and evaluated for their contribution to the process timeline and informed decision making.

Since the brief was agreed on the 7th August, there have been 17 working days available to the review them during which time 24 participants were interviewed in person or by telephone.

The following participants were interviewed:

Andy McGovern	RCN member
Anthony Johnson	RCN member
Danielle Tiplady	RCN member
Rachel Tasker	RCN member
Robert Crouch	RCN Member and Fellow
Vicky Brotherton	Council Member, South West Region
Chris Cox	Director of Membership Relations
Sarah Abley	Head of Campaigns and Member Engagement
Phil Ball	Head of Media, Associate Director of Communication and Campaigns
Emma Selim	Manager of Member Engagement, Campaigns and Digital
Denise Mclaughlin	Chair of UK Safety Committee and attended NHS Staff Council Meetings
Donna Kinnair	Director of Nursing, Policy and Practice
Fiona Devlin	Trade Union Committee Member, Northern Ireland
Glenn Turp	Regional Director, Northern
Graham Revie	Chair of UK Stewards Committee and attended NHS Staff Council Meetings
Maria Trewern	Chair of Council
Tina Donnelly	Country Director
Josie Irwin	Associate Director Employment
Karen Sanders	Chair of the Learning Reps Committee
Lors Alford	Chair of the Trade Union Committee
Michael Appleby	Vice Chair of Stewards Committee and attended NHS Staff Council Meetings
Mike Travis	Trade Union Committee
Tracy Roberts	Regional Comms Manager
Jessica Davidson	Forum Chair
Janet Davies	former Chief Executive and General Secretary

Interviewees were selected by RCN as being key participants in the events surrounding the issue. RCN Council Members were consulted by a questionnaire.

4. Background and Pay Deal overview

The Royal College of Nursing – which has been in existence since 1916 – currently comprises approximately 435,000 members, and is the largest professional association and union for nursing staff in the world. The RCN's central function and responsibility is the support of nurses and the promotion of their importance.

The RCN and its membership have been seeking, since 2015, to reform the pay and contract system for NHS staff, known as Agenda for Change (AfC). Proposed reforms have included reducing the number of increments in order to shorten the time needed for staff to reach the top of their pay bands, getting rid of overlaps between bands to make promotion more meaningful, and making the differentials between pay points more consistent.

Janet Davies became General Secretary of the RCN in June 2015, at a time when NHS trade unions agreed to a more assertive approach to reforming Agenda for Change. This was a response to the Conservative Government's adoption of austerity measures from 2010 – incorporating constraints on public sector spending and a 1% pay cap for NHS staff – and the intention to reform before further cuts were enacted. There was also substantial uncertainty regarding the RCN's status as a trade union and professional organisation, and whether nurses' interests would be better served by the RCN being outside of AfC (despite the lack of a viable alternative).

NHS trade union leads proposed a reformed AfC structure to NHS Employers and the Government in late 2015; despite this, the proposal was not given serious consideration until 2016 due to the junior doctors' strike. Further protest was advocated at the RCN Congress in May 2017, during which 78% of members said they were willing to go on strike over nurse pay, with 91% voting in favour of industrial action (short of striking). There were calls for a summer of planned protest activity, later enacted as the 'Summer of Protest'.

On 10 October 2017 the then Health Secretary, Jeremy Hunt, announced that the pay cap would be scrapped; this was later confirmed by Philip Hammond in the Autumn Budget announcement. However, it was also indicated that 'flexibility' relating to the 1% pay policy would necessarily be linked to improvements in capacity and productivity, which essentially confirmed that any pay rise would be contingent on negotiation.

Pre-negotiation phase (November/December 2017)

In this context the RCN, together with the other unions, prioritised the achievement of pay gains for staff through immediate structural change, while also securing a pay increase as part of a package. This would represent short- and long-term benefits for NHS staff, as well as providing an opportunity to create and reinforce an agreement across all four countries in the UK².

Scoping talks commenced between the staff side unions and NHS Employers/Department of Health negotiators in November 2017. The RCN negotiators' priorities for these talks were as follows:

- All staff to gain through a pay rise of more than 1%, and through expected progression
- Gains in basic pay, to be achieved through a mix of pay award and reform ('accelerated progression')
- Treating all pay bands equally, i.e. no targeting of any specific pay bands for special benefits
- Getting rid of overlaps between pay bands, reducing the number of pay points, and making differentials more consistent between pay points
- Establishing the Living Wage Foundation rate as the lowest rate in the structure
- Not changing the times for unsocial hours payments
- Including the Ambulance Service in the deal
- As much pay as possible up front in any multi-year agreement

² Initial talks included trade union representatives from Northern Ireland, Scotland & Wales. Partners in Northern Ireland, Scotland & Wales would be able to hold discussions about how any agreement would be implemented, and what funding could be subsequently made available in accordance with the Barnett formula.

At the same time, the RCN's submitted evidence to the Pay Review Body (PRB), highlighting a 14% gap between where pay should be (with regard to inflation) and actual pay. This served to fuel members' expectations for the potential scale of a pay increase, and led to internal discussions as to how a pay rise of less than 14% could be communicated to members without controversy.

Members' criticism of the RCN began to intensify at this point, directed towards the progress of negotiations. In addition, Jeremy Hunt's original reference to 'negotiations' caused controversy among sections of the membership, who accused the RCN of entering into these talks in secret. The response from the communications team was to clarify that these were scoping talks only. ERS also notes that following the progress made during the 'scrap the cap' campaign, some elements of the membership objected (from a political standpoint) to the premise of further negotiations with a Conservative government.

Negotiation phase (January-March 2018)

Negotiations for the pay deal, beginning in early 2018, were led by Josie Irwin (RCN) and the Unison counterpart, and pushed the issues of higher starting salaries, staff rising more quickly to the top of their pay bands, and the Living Wage Foundation rate. Regarding the objective of staff accessing the top of their pay band more quickly, after intensive negotiations with compromise and constraints a new pay structure was proposed, as summarised below:

	Current system	New system
Band 1	1 year	N/A
Band 2	6 years	2 years
Band 3	6 years	2 years
Band 4	6 years	3 years
Band 5	7 years	4 years
Band 6	8 years	5 years
Band 7	8 years	5 years
Band 8a	5 years	4 years
Band 8b	5 years	4 years
Band 8c	5 years	4 years
Band 8d	5 years	4 years
Band 9	5 years	4 years

This was to be achieved by restructuring pay bands so bands 2, 3, 4, 8a, 8b, 8c, 8d and 9 had 2 points and bands 5, 6 and 7 would have 3 points. This would ensure that a key Government priority – the end of 'automaticity' (i.e. automatic incremental progression) - would be satisfied through a new approach to pay progression.

Ensuring that staff reached the top point quicker would benefit productivity (a key NHS Employers objective) and display a focus on personal development (known to increase engagement and performance). It was expected to help recruitment and retention, reducing vacancy levels and retaining more experienced staff.

In the context of an emerging 3-year pay deal, joint goals that had been developed by the unions since 2015– agreed alongside NHS Employers and Department of Health negotiators – were outlined as follows:

-
- Support the attraction and recruitment of staff by increasing starting pay in every pay band.
 - Support the retention of staff by increasing base pay for the 50% of staff who are at the top of pay bands and speeding up progression to the top of the pay band.
 - Increase staff engagement by putting appraisal and personal development at the heart of pay progression; so that staff are supported to develop their skills and competences in each pay band and are rewarded for this. This will help ensure that all staff have the appropriate knowledge and skills they need to carry out their roles and will be underpinned by a commitment from employers to enhance the relationship line managers have with their staff and to fully utilise an effective appraisal process.
 - Increase capacity in the NHS; incentivising staff to offer discretionary additional time direct to the NHS and supporting through the pay system new training pathways; particularly through a growing use of apprenticeships.

Agreement on the pay deal and membership consultation (March-June 2018)

A framework agreement³ was agreed to by the RCN's Trade Union Committee on 7 March 2018 as the best realistic deal, pending a confirmation of funding from the Treasury. The next day the Treasury confirmed that this deal would be funded. On 21 March 2018 the NHS Staff Council agreed the deal as the basis for consultation.

The response to the pay deal announcement produced some social media comment some of which being critical of the negotiations and containing personal attacks on staff, particularly the Lead Negotiator, and elected committee members, involved in the process.

The RCN membership was consulted on the deal, with an online voting process being opened on 23 April.⁴ The results of the consultation, released on 8 June 2018, showed a 77% majority in favour of the deal.⁵ With 13 unions in favour, and following confirmation that the deal would be funded by the Treasury, the pay deal was signed off on 27 June 2018.

The provisions of the framework agreement stated that the value of the top points of each pay band would be increased by 6.5 per cent cumulatively over the three-year period (for bands 2 - 8c). The agreement also stated that the value of the top pay points in bands 8d and 9 would be capped at the level of the increase in value at the top of band 8c.

The value of the top pay points for bands 2 - 8c were to increase each year as follows:

- 3 per cent in 2018/19.
- 1.7 per cent in 2019/20.
- 1.67 per cent in 2020/21.⁶

Implementation (July 2018)

There existed uncertainty among some of the RCN membership as to the details of the deal and what it represented in terms of pay increase; specifically, when they could expect to see the benefits of the deal. Inconsistencies were raised with respect to the RCN's communication on this matter; specifically, the question of whether the 3% would be received at once, or staggered according to increment dates.

³ 'NHS Staff Council framework agreement on the reform of Agenda for Change': http://www.nhsemployers.org/-/media/Employers/Documents/Pay-and-reward/2018-contract-refresh/Framework_agreement_27_June_2018.pdf

⁴ 'Voting opens on NHS pay deal for England': <https://www.rcn.org.uk/news-and-events/news/voting-opens-on-nhs-pay-deal-for-england>

⁵ 'NHS pay deal for England accepted': <https://www.rcn.org.uk/news-and-events/news/nhs-pay-deal-for-england-accepted>

⁶ 'NHS Staff Council framework agreement on the reform of Agenda for Change', p.5: http://www.nhsemployers.org/-/media/Employers/Documents/Pay-and-reward/2018-contract-refresh/Framework_agreement_27_June_2018.pdf

There were also questions raised from the membership regarding annual leave. This relates back to discussions of capacity, as a key objective within the negotiations. It was proposed, for example, that if all staff gave up one day's annual leave, it would increase capacity by 973,930 days (i.e. 3,740 full-time equivalent staff). A leak to the Guardian⁷ suggested that the giving up of one day's annual leave was in fact a condition of the pay deal although in fact this issue had already been resolved and taken out of the final deal.

An article in Open Democracy⁸, meanwhile, raised the issue that RCN members might receive a smaller pay increase than they expected. This exacerbated a sense of confusion and uncertainty among the RCN membership, many of whom found that they had not received the immediate pay uplift (backdated to April 2018) they had expected. Social media activity intensified around this time, with RCN officials continuing to be targeted by online abuse.

On 20 August it was announced that Janet Davies would step down as Chief Executive and General Secretary of the RCN, following a public apology (released on 25 July) stating that 'in good faith', RCN members had been promised a 3% uplift that summer. An Extraordinary General Meeting is due to take place in Birmingham on 28 September 2018 and will address the RCN's understanding and communication of the pay deal.

The EGM will also provide a forum for discussing the findings of the external review (relating to RCN governance and process) conducted by ERS, the interim findings of which are listed below.

⁷ *The Guardian*: <https://www.theguardian.com/society/2018/mar/08/nhs-staff-set-to-win-65-pay-rise-but-must-forfeit-days-holiday-in-return>

⁸ *Open Democracy*: <https://www.opendemocracy.net/ournhs/caroline-molloy/nhs-staff-discover-they-will-get-hundreds-of-pounds-less-than-they-thought>

5. Key findings

Our key findings that contributed to the Chief Executive and General Secretary's apology made on the 25th July, to date, are as follows:-

There are inherent complexities in the pay deal that made effective interpretation and communication challenging for all stakeholders.

The negotiation was a highly complex process, involving a number of objectives and interests. The results of negotiations, in the form of a new pay deal – comprising a two-part pay uplift and reform of the pay structure – were complex, and therefore presented inherent difficulties in understanding the outcome and communicating a clear, consistent message to all stakeholders. These inherent complexities exacerbated misunderstandings or confusion about the negotiations and deal, and its relevance to members especially in comparison to their existing pay progression arrangements.

As evidenced throughout the Background and Pay Deal overview section, there were many different priorities (i.e. the Government's objective of ending 'automaticity', NHS Employers aiming to increase capacity, and the RCN's objectives for the membership) and the prospect of reconciling all of these priorities, although challenging, was achieved. In addition, there are 14 health sector trade unions, each with different membership groups (with some crossover) and, by extension, the typical pay bands of their members. There were also substantial time constraints, with a framework agreement needing to be agreed before the new pay year began (on 1st April). These points should be considered alongside the additional findings presented below.

The Trade Union Committee was newly formed and this limited their ability to effectively fully scrutinise and evaluate the complexities of the deal.

RCN's Trade Union Committee had only recently formed, following the disbanding of its predecessor the Membership and Representation Committee (MRC). Minutes of the first formal meeting held on 7th February, two days after the Chair had been confirmed, record that at this meeting 'details were provided of the emerging framework agreement being developed by the NHS Staff Council' and 'the impact of the pay structure reforms on each pay point in every pay band and the anticipated provisional funding envelope available were explained'.

There have been questions raised by a number of interviewees as to the readiness of the new committee, with respect to their scrutinising role, given the sensitivity of the deal and the time constraints involved. Experience amongst committee members is not disputed; several have held seats on previous committees including the MRC and Council, and/or work as RCN representatives and have attended NHS Staff Council meetings. Member involvement includes, for example, contribution to the original Agenda for Change discussions in 2004.

Interviewees, including those on the committee, have however described 'nervousness' around the 'biggest decision to be made' and questioned whether the committee as a group had enough time to develop and 'bed down', describing the pay deal decision as 'a baptism of fire'.

With regards to potential oversight of the ongoing pay campaign prior to the first meeting on 7th February, minutes of the RCN Council meeting of 25 January state:

9.2.3 Assurances were sought about the oversight of the pay campaign in the interim period prior to the Trade Union Committee formally meeting, with the pivotal pay review body process underway.

ERS considers these circumstances to be a contributing factor that led to the misunderstanding and confusion about the details of the implementation of the pay deal with regards to the belief, held by several interviewees from the committee, that the 3% pay increase would apply to all staff from 1 April 2018.

The focus was on the headline figures of the pay deal which led to a lack of clarity and accuracy on how the deal would be implemented and affect the pay packets of individual members in the short term.

Explicit detail relating to implementation of the pay deal for all staff (with regards to pay increase in the first year) is not found within the framework agreement and was not available until NHS Employers published information in the second week of July.

From the evidence it appears that clear and accurate information on this point was unavailable during the presentation of the deal, including to the Trade Union Committee on 7th March, and is the likely cause of misunderstanding and confusion, with interviewees from the committee and beyond (including the Chair of Council and two Council members who responded to the review questionnaire) holding the belief that *all staff* would receive a 3% pay uplift from 1 April 2018.

Furthermore, RCN's internal analysis of the figures⁹ show that two points in pay bands will not receive a 3% pay increase by the end of the first year. Band 3, spine point 8 and Band 4, spine point 15 both appear to be due an overall raise of only 2.5% by end of 2018/19 on the previous financial year although they will receive a greater than 6.5% increase over the life of the deal (16.4% and 10.3% respectively).

However, the July edition of *RCN Activate*, for example, states the following:

Members employed by the NHS in England will receive their 3% uplift in July's paypacket, however back pay will not be paid until August.¹⁰

In addition, although only representing a very small number of members, two pay points (8d and 9) appear to receive less than 6.5% over the course of the three years. This detail is included in the Framework agreement,¹¹ but is inconsistent with the RCN's consistent message to members; that all members will receive a 6.5% pay increase over three years, and some will receive significantly more.

Therefore, in the context of both internal and external communications, ERS notes there was lack of clarity and accuracy on how the pay deal would be implemented and this included apparent misinformation on details that had not yet been confirmed.

Further review is required on the communication campaign to analyse and consider the knowledge of the RCN and its general understanding of the pay deal and how this influenced its messaging to members at the key change points of the process. This will include the responses provided directly by the RCN to individual members in response to their queries. For example, we have evidence through interview and in the documentation that the Lead Negotiator provided responses, to at least two member queries (early May and end of June), that appear to be either inaccurate or misleading in relation to the back dating of the 3% to the 1st April for all members.

The incomplete information in the pay calculators undermined the RCN's efforts, who used the calculators as a reference point, to communicate the detail of the deal to individual members.

As noted above, ERS' understanding is that the negotiation (and the eventual deal) comprised a great deal of complexity, which would represent a challenge in communicating the deal to the wider membership. ERS

⁹ 26th July 2018 email from Director of Membership Relations to the Chief Executive and General Secretary.

¹⁰ *Activate*, vol. 12, no. 11, p.3: <https://www.rcn.org.uk/-/media/royal-college-of-nursing/documents/bulletins/activate/2018/activate-july-2018.pdf>

¹¹ 'NHS Staff Council framework agreement on the reform of Agenda for Change', p. 5: [http://www.nhsemployers.org/-/media/Employers/Documents/Pay-and-reward/2018-contract-refresh/Framework agreement 27 June 2018.pdf](http://www.nhsemployers.org/-/media/Employers/Documents/Pay-and-reward/2018-contract-refresh/Framework%20agreement%2027%20June%202018.pdf)

also notes many factors that exacerbated the misunderstanding and confusion voiced by the wider membership. These factors include the design and publication of 'pay calculators', with the intention of giving members specificities as to the positive impact of the deal upon their pay. However, problems included the fact that the first version of the pay calculator¹² was not able to relay the nuances of the deal (with respect to increment dates in particular), and thus was not able to provide sufficient detail to members on how the deal would be implemented and affect pay packets in the short term.

The second pay calculator (designed by NHS Employers)¹³ represented an improvement as it did take account of increment dates and individual pay point salary at 1 April and from the increment date. However, this still did not provide details of what was in the pay deal with reference to gross earnings by month or accumulated at financial year end.

Review of the communication campaign has shown a great deal of member communication consisted of simply referring members to the calculator, therefore the effects of any ambiguities and/or inaccuracies – could be detrimental to members' clarity on the matter.

Communication of the deal may have impacted on some members' and internal RCN groups' ability to assess the deal and thereby make an informed balanced judgement on its merits.

During interviews with participants ERS found that the communication of the deal to members was often described as a 'sell'. That is to say, it was put to members as the best deal that they were likely to get in the current climate and recommended they vote in favour. Moreover, internal communications suggest a perceived need for RCN (as well as the other unions, e.g. Unison) to present its members with a positive recommendation, lest the Treasury consider it too risky to proceed (resulting in the framework agreement being taken off the table).

The lead negotiator attested during interview that they were warned by the government during negotiations that unless the RCN recommended the deal to members it would be off the table. A briefing from the lead negotiator to the Chair of Council on 21 February includes the passage:

"If the unions (this means Unison and/or RCN for all practical purposes as the 2 biggest trade unions) are not able to go out to members with a positive recommendation to members the Treasury will...consider it too risky to proceed and the framework will be off the table".

ERS therefore considers whether internal groups within RCN, as well as the wider membership, were consistently informed about the finer details and impacts of the deal (both in a positive and negative sense), in a way that enabled them to make an informed and balanced judgement about it. The basis for this questioning is the notion that those making the decision (in this case, internal groups and the RCN membership) needed to have the deal 'sold' to them, rather than simply 'communicated'.

Note that ERS is not taking the view that RCN should be neutral in relation to presenting a pay deal to its members, only that the communication to members may be leading towards the advantages of the deal – and therefore less objective on the overall impact - where a recommendation to back it is being made. This could affect decision makers' ability to make a balanced judgement.

Further review in this area is required to test objectivity of the positive and negative elements of the framework as presented to decision makers. For example, the GMB union advised its members to reject the deal and therefore review of their reasoning and communication may inform the understanding as to whether information provided to RCN stakeholders was objective.

¹² 'Pay calculator for the NHS England pay deal': <https://www.nhspay.org/pay-calculator/>

¹³ 'Pay journey tool': <http://www.nhsemployers.org/your-workforce/2018-contract-refresh/pay-journey-tool>

A gap in communications leadership hindered development of an effective communications strategy to clearly explain the impacts of the deal to members.

From information provided during interviews with stakeholders, as well as analysis of documentation presented for review, it is apparent that there was insufficient communications leadership in place to successfully present the details and impacts of the deal to the membership. In our opinion undue onus was placed on the Lead Negotiator to provide guidance on member communications and even at times to answer individual member enquiries. This does not appear to have been highlighted through the line management arrangements of the Lead Negotiator to the Executive Team or appreciated independently by the Executive Team.

Interviews with key personnel from the Communications Team (Member Engagement Manager, Head of Campaigns & Member Engagement, and Head of Media) attests to a lack of clear leadership in the communications area from their superiors. Although complimentary of guidance provided during the campaign, the team indicated a lack of an 'expert in the field' with influence on the Executive Team.

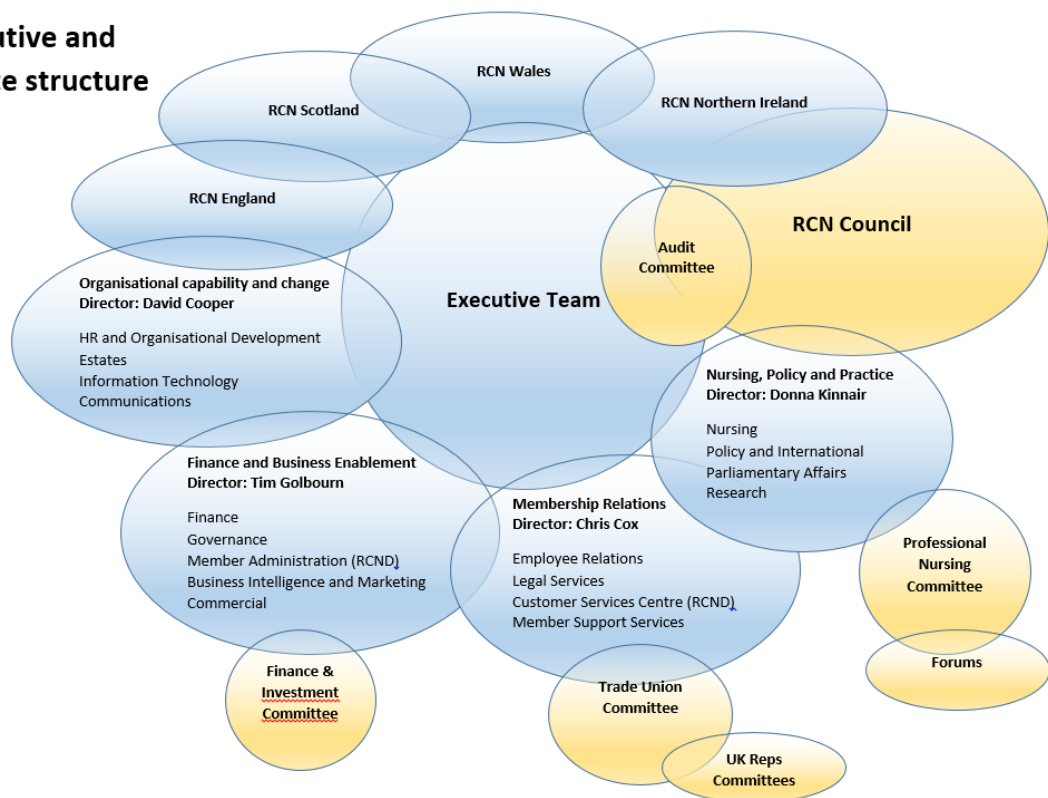
Much of the evidence for review demonstrates that the responsibility for the communication strategy was from within the Member Relations directorate, with some information for the campaign provided by the Lead Negotiator

The Communications Team indicated that, upon drawing up five key points relating to the pay deal, their recommendations were signed off by the Chief Executive & General Secretary or appropriate members of the Pay Working Group with no corrections. This, in context, suggests a possible lack of scrutiny – from a communications perspective - may have been existent.

In consideration of the points made above – with respect to the ambiguities and inaccuracies surrounding the deal and its communication to members – it may be that, the addition to the Executive Team, of an expert in communications strategy could have played a crucial role in shaping the overall message, and either minimising the effects of the eventual issue or preventing its occurrence.

A representative breakdown of the RCN's structure – with respect to the Executive and Directorate – and provided by RCN for the review, is provided below.

RCN Executive and Directorate structure



Considering the fact that the communication of the deal to members – as well as dealing with the member-related issues that transpired – is a matter that lies within the remit of Member Relations as well as Communications, there must inevitably be questions raised as to the distance between these two sectors on the organogram above. This distance implies, by extension, a lack of overlap with regard to functions and responsibilities.

This question merits subsequent review in terms of whether a lack of interplay between Communications and Member Relations, and clear leadership in the communication arena, exacerbated the issues under discussion in this report.

Additional areas being considered:

Further review is required to understand the implications of the 'cash shortage' for the deal sighted in the Pay Working Group Meeting of 1st August 2018 and whether this means previous affirmations that the deal would be funded by the Treasury, as objective reasoning for agreeing the deal, were accurate.

6. Key Participants – Responsibilities and Accountabilities

Governance Structure

RCN Council	<p>Is Responsible for Governing the RCN It sets strategy and direction</p> <p>It appoints and holds to account the Chief Executive & General Secretary to implement that strategic direction</p> <p>Is the Trade Union Executive and authorises Industrial Action</p>
RCN Trade Union Committee	<p>To undertake on behalf of RCN Council that part of the work of the RCN related to its role as a special register independent trade union.</p> <p>To be accountable to RCN Council for its work and the decisions it takes.</p> <p>To work with Country and Regional Boards to ensure that the priorities for the RCN in relation to its role as a special register independent trade union are actioned locally;</p>
RCN Country and Regional Boards	<p>To be accountable for and ensure that priorities set by Council are actioned in that region or country</p> <p>To be accountable for the development of RCN policy and contribute to RCN policy in Ireland/Scotland/Wales/England] within principles established by RCN Council</p> <p>To be accountable for liaison and communication with members in their country/region and for putting forward their views and concerns</p>

Representative Structure

UK Representative Committees	<p>To provide a voice for RCN accredited representatives, HP members and students. Members of the committees also act as observers and advisers to the Trade Union Committee</p>
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Executive Structure

Chief Executive & General Secretary	<p>The Chief Executive & General Secretary is accountable to the Council for the implementation of the strategy and policy set by Council</p> <p>As General Secretary the principal responsibility is to maintain the unity and effectiveness of the special register trade union</p>
Executive Team	Appointed by the Chief Executive & General Secretary to implement the strategy and policy set by Council
Director of Member Relations	Accountable to the Chief Executive & General Secretary for Trade Union Strategy & content and communications lead
Director of Nursing Practice & Policy	Accountable to the Chief Executive & General Secretary for Nursing Policy & Practice Strategy, and communications lead
Country Directors in Wales, Scotland and Northern Ireland	Accountable to the Chief Executive & General Secretary for delivery of the trade union function and nursing practice and policy development and communications in their country within principles set by Council or the PNC & TU Committees
England Director	Accountable to the Chief Executive & General Secretary for delivery of the trade union function on the ground in England
Director of Organisational Capability and Change	Accountable to the Chief Executive & General Secretary inter-alia for communication of agreed policy
Director of Finance & Business Enablement	Accountable to the Chief Executive & General Secretary for finance and governance

Senior Management Structure

Pay Working Group	The Pay Working Group was set up by the Chief Executive & General Secretary to provide support to the lead negotiator and make recommendations to the CE & GS about approach on NHS pay and tactics including campaigning activity.
Union Negotiator	A union delegates authority to the negotiator to represent the union at contract negotiations

Timeline and Participants

Negotiations stage:

Time period	Process stage	Groups and RCN Participants involved
Nov 2017	Exploratory talks begin	<p>Lead negotiators include:</p> <ul style="list-style-type: none"> • Josie Irwin (Associate Director, Employment Relations & lead negotiator for RCN. Staff-side Secretary, NHS Staff Council) • Head of Health, Unison • Director for Employment Relations and Communications, Royal College of Midwives
6-7 Dec	Meeting of RCN Council update from Membership and Representation Committee	<p>RCN Council:</p> <ul style="list-style-type: none"> • Michael Brown (Scotland and Chair) • Lora Alford (South West and Vice Chair) • Cecilia Anim (President) • Professor Rod Thomson FRCN (Deputy President) • Carol Evans (Eastern) • Trevor Allen (Eastern) • Gill Cort (East Midlands) • David Miller (East Midlands) • Gordon Lees (Northern) • Trevor Peel (Northern) • Siobhan Donald (Northern Ireland) • Fiona Devlin (Northern Ireland) • Dave Dawes (North West and Honorary Treasurer) • Janet Marsden FRCN (deceased) (North West) • Cynthia Davies (London) • Matthew Hodson (London) • Elspeth Caithness (Scotland) • Maria Trewern (South East) • Sylvia Simmons (South East) • Vicky Brotherton (South West) • Gaynor Jones (Wales) • Richard Jones (Wales) • Tracey Budding (West Midlands) • Sue Warner (West Midlands) • Anne Kennedy (Yorkshire & The Humber) • David Cardwell (Health Practitioner) • Brian Murphy (Health Practitioner) • Charlotte Hall (Student Member) • Stuart McKenzie (Chair of Council) <p>Membership and Representation Committee:</p> <ul style="list-style-type: none"> • Gordon Lees (Chair & Member for Northern) • Tracey Budding (West Midlands) • Lorrae Allford (South West) • Cecilia Akrisie Anim (London) • Elspeth Caithness (Scotland) • David Cardwell (Health Practitioner) • Fiona Devlin (Northern Ireland) • Charlotte Hall (Students) • Gaynor Jones (Wales) • Richard Jones (Wales) • David Miller (East Midlands)

		<ul style="list-style-type: none"> • Carol Popplestone (Yorkshire & the Humber) • Sylvia Simmons (South East) • Trevor Allen (Eastern) • Chairs of UK Learning Reps, UK Safety Reps and UK Stewards also in attendance
8-9 Dec	First set of Stoke Rochford meetings (exploratory talks) scoping talks to set the agenda for negotiations	<p>Josie Irwin (Lead negotiator, RCN)</p> <p>NHS Staff Council executive (negotiators from other Health unions) and analyst.</p> <p>NHS Employers representatives</p> <p>Department of Health representatives</p> <p>NHS Improvement representatives</p>
Early Jan 2018	Negotiations between trade unions, NHS employers and government start proper	<p>NHS Trade Unions:</p> <ul style="list-style-type: none"> • British Association of Dietitians • British Association of Occupational Therapists • British and Irish Orthoptic Society • Chartered Society of Physiotherapists • Federation of Clinical Scientists • GMB • Managers in Partnership • POA (union for prison, correctional and secure psychiatric workers) • Royal College of Midwives • Royal College of Nursing • Society of Chiropractors Podiatrists • Society of Radiographers • UNISON • Unite
29-30 Jan	Second set of Stoke Rochford meetings at which the key elements of the draft framework agreement are brought together	As 8-9 December
7 Feb	Trade Union Committee are informally presented with an early version of the draft framework agreement	<p>Trade Union Committee¹⁴:</p> <ul style="list-style-type: none"> • Lorrae Allford (Chair & Member for South West) • Tracey Budding (Vice Chair & Member for West Midlands) • Michael Appleby (Northern) • Andrew Bassett-Scott Toogood (Yorkshire and the Humber) • Diane Coleman (Scotland) • Fiona Devlin (Northern Ireland) • Carol Evans (Eastern) • Elizabeth Jeremiah (South East) • Gaynor Jones (Wales) • Karen Pike (Health Practitioner) • Karen Sanders (London) • Mike Travis (North West) • Neil Thompson (East Midlands)

¹⁴ The Trade Union Committee was only recently-formed at this time and comprised many former members of the Membership and Representation Committee, as well as many new members.

		<ul style="list-style-type: none"> • Katharine Youngs (Student)
Feb-Mar	Pay Working Group is regularly updated on pay negotiations.	Pay Working Group: <ul style="list-style-type: none"> • Josie Irwin (Head of Employment Relations) • Chris Cox (Director of Membership Relations) • Patricia Marquis (South East Regional Director) • Norman Provan (Associate Director of Employment Relations) • Nicola Allen (Advice Information Co-ordinator) • Lara Carmona (Associate Director) • Sarah Abley (Head of Member Engagement and Campaigns) • Bernell Bussue (Regional Director, London) • Garrett Martin (Associate Director, Northern Ireland)
5 Mar	Pay Working Group is presented with the information that will go to the Trade Union Committee, inviting them to recommend the deal to members at consultation	Pay Working Group and Trade Union Committee

Decision Making Stage:

Time period	Process stage	Groups and RCN Personnel involved
07 March	TU Committee met to discuss, scrutinise and endorse in principle the framework agreement presented by the Chief Executive & General Secretary and the Head of ERD (lead negotiator for RCN)	Trade Union Committee, Janet Davies (Chief Executive and General Secretary), Josie Irwin (Head of Employment Relations)
19 March	Pay Working Group endorse the agreement	Pay Working Group
21 March	NHS Staff Council endorse the agreement prior to member consultation	NHS Staff Council

04 & 05 April	RCN Council received pay deal update including reasons for the TU Committee decision of 7 th March.	<p>RCN Council</p> <p>Maria Trewern (Chair and South East) Richard Jones (Vice Chair and Wales0 Cecilia Akrisie Anim (President) Professor Rod Thomson (Deputy President Vicky Brotherton (South West) Elspeth Caithness (Scotland) Siobhan Donald (Northern Ireland) Cynthia Davies (London) Dave Dawes (Honorary Treasurer & North West) David Miller (East Midlands) Brian Murphy (Health Practitioner Trevor Peel (Northern) Carol Popplestone (Yorkshire and The Humber) Sue Warner (West Midlands) Brian Murphy (Health Practitioner) Charlotte Hall (Student)</p> <p>Also attended by Country and Board Members from Eastern, East Midlands, London, Northern, Northern Ireland, North West, Scotland, South East, South West, Wales, West Midlands, Yorkshire & The Humber</p>
23 April to 5 June	Member Consultation via online vote to accept or reject the framework deal	
06 June	Member Consultation results presented internally	Trade Union Committee
	TU Committee meet to endorse the pay deal	Vote results announced publicly on 8 June, with 13 of 14 unions voting in favour (GMB votes against the deal)
	RCN Council meet by teleconference to endorse the TU Committee's decision	RCN Council and Trade Union Committee
27 June	NHS Staff Council endorse the final framework agreement	NHS Staff Council

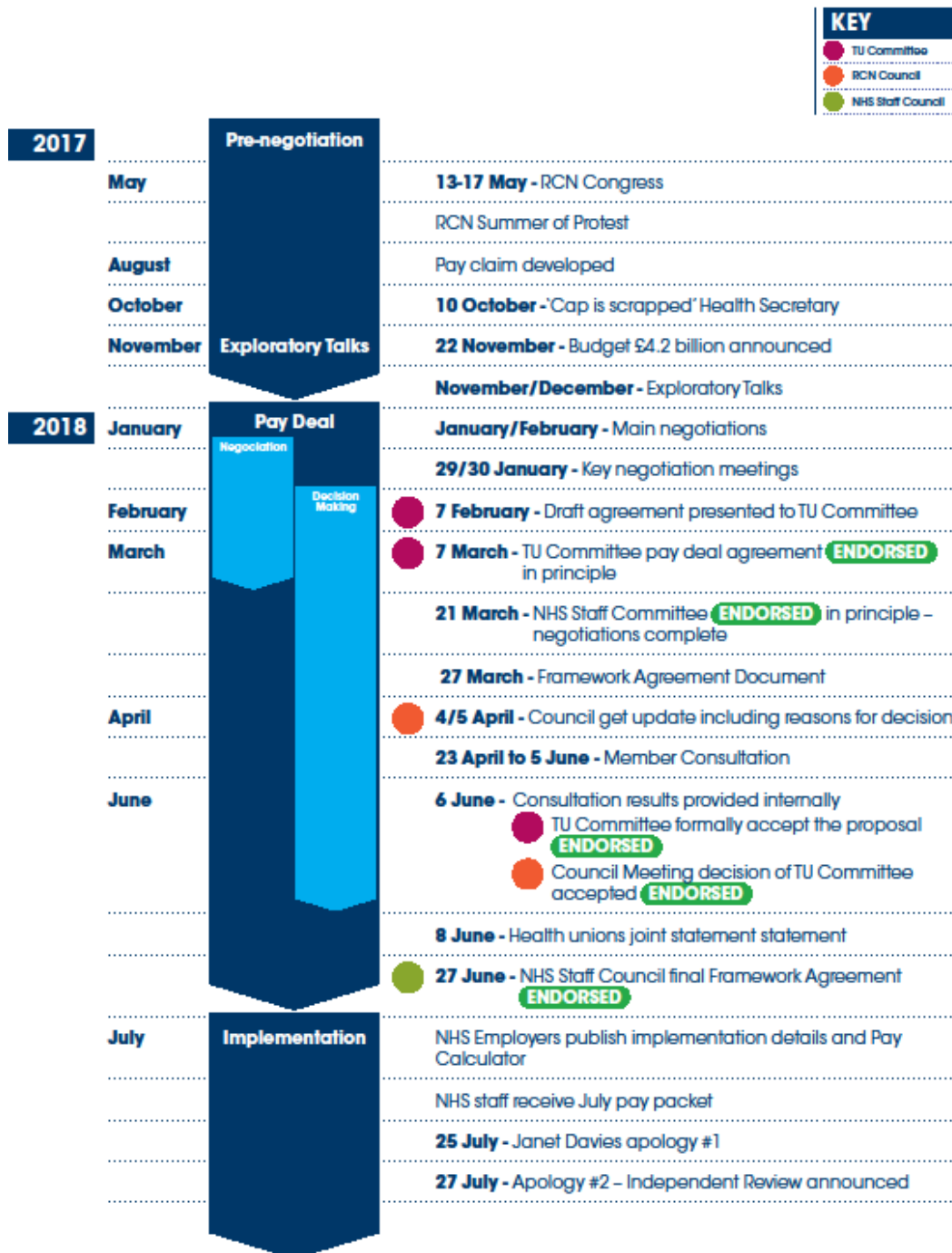
Communication Stage:

2018	Process stage	Groups and RCN personnel involved
Throughout	<p>Weekly or fortnightly meetings of the Pay Working Group – informed the communications strategy. Meeting dates in 2018:</p> <ul style="list-style-type: none"> • 08 January • 22 January • 09 February • 19 February • 12 March 	<p>Pay Working Group Members</p> <p>Frequent attendance:</p> <ul style="list-style-type: none"> • Chris Cox • Josie Irwin • Lara Carmona • Norman Provan • Patricia Marquis • Nicola Allen • Helen Whyley • Garrett Martin [until 3 May] • Sarah Abley [from 5 March]

	<ul style="list-style-type: none"> • 19 March • 23 March • 05 March • 06 April • 18 April • 03 May • 17 May • 31 May • 07 June • 28 June • 05 July • 28 July • 01 August 	<ul style="list-style-type: none"> • Glenn Turp [from 6 April] <p>Infrequent attendance:</p> <ul style="list-style-type: none"> • Rita Devlin [from 3 May, typically in absentia] • Jane Hughes [8 Jan to 9 Feb] • Bernell Bussue [8 Jan to 23 March] • Racheal Mcllroy • Philip Ball • John Knape • Andrew Greasley • Alison Goodfield • Judith Thomas • Jane Carroll • Antonia Borneo
<p>21 March-23 April 23 April-5 June</p>	<p>Pay deal campaign: Education period Voting period (membership consultation)</p>	<p>Communications Team:</p> <ul style="list-style-type: none"> • David Cooper (Director of Organisational Capability and Change (encompasses communications team)) • Jane Hughes (Associate Director of Communications to February 2018) • Philip Ball (Head of Media, later Associate Director of Communications and Campaigns) • Emma Selim (Manager of Member Engagement, Campaigns and Digital) • Sarah Abley (Head of Member Engagement and Campaigns) <p>Individuals involved in member communications:</p> <ul style="list-style-type: none"> • Janet Davies (Chief Executive and General Secretary) • Josie Irwin (Head of Employment Relations) • Chris Cox (Director of Membership Relations) • Donna Kinnair (Director of Nursing, Policy & Practice) • Lorrae Allford (Chair of Trade Union Committee & Member for South West) • Tracey Budding (Vice Chair of Trade Union Committee & Member for West Midlands) • Graham Revie (Chair of UK Stewards Committee) • Michael Appleby (Vice Chair of UK Stewards Committee and Member of Trade Union Committee for Northern) • Karen Sanders (Chair of UK Learning Reps Committee) • Mike Travis (Member of Trade Union Committee for North West) • Maria Trewern (Chair of RCN Council & Member for South East) • Glenn Turp (Regional Director for Northern) • Susan Masters (Regional Director, South West) • Tracey Roberts (Regional Communications Manager for South West) <p>Groups involved in member communications:</p> <ul style="list-style-type: none"> • Executive Team (held Extraordinary Meeting 25.07.18, called by email at short notice, prior to Janet Davies' apology) • Pay Champions (distributed information to members) • Joint Reps (encompasses Stewards, Learning Reps and Safety Reps: communicating with members and encouraging use of the pay calculator) • UK Stewards Committee (distributing information to members on RCN advice) • Learning Reps Committee (communicated pay campaign information and negotiation outcomes to members)

		<ul style="list-style-type: none"> • Safety Reps (involved in negotiations and communicating results to members) • NHS Employers (involved in member communications and designing pay calculator) • Trade Union Committee (consulted on negotiations and outcomes) • RCN Council (consulted on negotiations and outcomes)
8 June	RCN and NHS Staff Council joint union statement	RCN Council and NHS Staff Council

7. Background and Pay Deal overview



8. Process Stage: Negotiation

Key milestones:

- Council informed of exploratory talks
- Negotiations
- Pay Working Group discuss communication strategy
- Trade unions agree deadline for recommendation (13th March)
- TU Committee have inaugural meeting
- TU Committee view early draft agreement

Process steps

The high level process for the negotiating stage – setting the framework that was later agreed was as follows:	2017
1. Exploratory talks begin	Nov
2. First round of NHS Staff Council Stoke Rochford meetings (exploratory talks) scoping talks to set the agenda for negotiations	8-9 Dec
3. Negotiations between trade unions, NHS employers and government start proper <i>Second round of NHS Staff Council Stoke Rochford meetings at which the key elements of the draft framework agreement are brought together</i>	2018 Early Jan 29-30 Jan
4. Trade Union Committee meeting - provided with details of the emerging framework agreement being developed.	7 Feb
5. Pay Working Group is regularly updated on pay negotiations.	Feb-Mar
6. Executive Team receives full final agreement with additional comments from the Director of Member Relations for review	19 Feb
7. On request of Chief Executive, Lead Negotiator meets with Executive Team to provide outline of the deal	2 Mar
8. Pay Working Group is presented with the information that will go to the Trade Union Committee	5 Mar
9. Trade Union Committee are formally presented with the draft framework and agree it (see Decision Making section)	7 Mar
10. Framework agreement is finalised following intervention from RCN Chief Executive & General Secretary to remove the reduction in annual leave	16 Mar

Process analysis

The earliest evidence to suggest that exploratory talks might become negotiations comes from a meeting of the **RCN Council on 6th 7th December 2017**. The Lead Negotiator indicated, during interview, that at this meeting the Council, under its former structure, size and leadership, suggested it would be interested in seeing an emerging deal, giving the Lead Negotiator the authority to allow the exploratory talks to develop towards formal negotiations. We note this is not documented in the minutes of the meeting itself.

Evidence from interviews with the Lead Negotiator suggests that at the initial **Stoke Rochford meeting on the 8th and 9th December**, staff-side, NHS employer and government teams came together for exploratory talks. At this point, it became clear what the budget for all contractual reform (uplift and structural changes) might be. The Government budget was set in the context of an annual pay rise over 3 years of 3% for all those in England on an Agenda for Change (AfC) contract. Exploratory talks focused on how changes to the AfC contract

structure would affect this average 3-year pay rise. We note minutes from these meetings have not been available for review.

The exploratory talks were first referred to as 'negotiations' in the minutes of the **Pay Working Group meeting on the 8th January 2018**. Throughout the Negotiation stage, the main touchpoint between the union and its negotiating team was via weekly meetings of the Pay Working Group.

During the second **Stoke Rochford meeting on the 29th and 30th January** negotiators laid out a preliminary framework agreement to form the basis of further negotiations. Evidence from our interview with the Lead Negotiator suggests that at this meeting the government informed the trade union participants that if the key trade unions (RCN and Unison) would not recommend the deal to members during the consultation phase, they will take the deal off the table.

The newly formed **Trade Union Committee convened for the first time on the 7th February**. Minutes of this meeting record that the union's Lead Negotiator informally presented the draft of the framework agreement to demonstrate progress of negotiations and familiarise the group with the framework. The framework agreement was deemed to be highly confidential on this date.

While it does not feed directly into the decision making process, particularly at this stage of the pay deal, the departure of the **Deputy Director of Communications and Campaigns** should be noted at this stage due to the impact it will have further down the line. With key communications due to go to members on consultation, as well as any subsequent set of communications thereafter, if finding a suitable replacement had been a high priority it may have helped with leadership of the communication strategy (see Report Findings in Section 4).

Minutes from the **Pay Working Group** during February and in the first week of March, **inform much of our understanding of** the way participants were informed at this point in this process.

- At the **9th February, meeting of the Pay Working Group** negotiations were discussed. The necessity for a pay calculator was also mentioned.
- At the **19th February, the Pay Working Group** was informed of the Secretary of State's indication that "if no agreement can be reached, the deal with *[sic]* fail." Also that all Trade Unions have agreed to indicate their intention to recommend the deal to members during consultation or not by the 13th March. Also at this meeting the Pay Working Group was informed that the RCN is "...the only Trade Union who... may not sign up to the agreement..." The Pay Working Group was also informed that the Director of Member Relations had shared the options for recommending or otherwise with the Chief Executive & General Secretary, as well as each of the Country Directors.
- Finally, at the **5th March meeting, the Group** was presented with, and discussed, the information that would be presented to the Trade Union Committee who would then decide whether or not to recommend the deal to members during consultation. The minutes of the Pay Working Group show that they agreed that "the line by line approach to explain the detail [to the TU Committee] works well as it avoids any pre-conceived ideas or misunderstandings"

Other key dates/ interventions at this time are as follows:

- On the **19th February, the Executive Team receives the latest draft of the framework** to review. The email from the Director of Member Relations contains additional comments on the deal for context.
- Evidence from interviews also suggests that around the **21st February the Chair of the RCN Council** is reminded of the government's stipulation that trade unions recommend the deal to members for the deal to remain on the table.
- Minutes of the **Executive Team meeting from the 27th February** indicate that the Chief Executive & General Secretary requested an extraordinary meeting of the Executive Team.
- The suggestion from these minutes, supported by evidence from interviews, was that at this meeting **on 2nd March** the Lead Negotiator attempted to go through the deal line by line, but that the hour allotted for the meeting was insufficient time to cover everything. In addition attempts were also made by the Country Director, Wales to scrutinise elements of the deal however the Chief Executive & General Secretary was of the opinion that as this was a deal for England input from other countries was not required at this time.

On the **7th March**, the Chief Executive & General Secretary and the Lead Negotiator presented the draft framework agreement to **the Trade Union Committee** (see Decision Making section below).

The framework agreement reviewed by the **Trade Union Committee at the 7th March** meeting contained a clause for the removal of a day's annual leave. In the third week of March (precise date not known), there were discussions between the Lead Negotiator and the Chief Executive & General Secretary on how to remove this. This discussion culminated in a personal intervention from the **Chief Executive & General Secretary** with the Secretary of State for Health. The result of this discussion was the removal of the loss of a day's annual leave.

Was the information provided to and considered by the participants at this stage clear accurate, objective including both positive and negative elements for informed decision-making and clear communication?

During the negotiation stage there was involvement from a number of key participants throughout the entire pay deal process. In terms of decision making, however, the key events can be pared down to the following:

1. RCN Lead Negotiator:
 - Updating the Trade Union Committee on progress of talks on the 7th February
 - Updating the Pay Working Group on progress of talks on the 19th February
 - Providing material to the Pay Working Group to be presented to the Trade Union Committee on the 5th March
2. Director of Member Relations updating the Executive Team on progress of talks on the 19th February
3. The Pay Working Group:
 - Being informed that the RCN was, at that time, the only trade union not to sign up to the agreement
 - Review of information to be presented to the Trade Union Committee at its meeting of 7th March

1. RCN Lead Negotiator

The RCN Lead Negotiator was a key participant throughout the negotiation phase, with multiple touch points with various participants. Information provided by the Lead Negotiator to participants during this stage is as follows:

- a) On the 7th of February, the Lead Negotiator outlined an early version of the draft framework agreement to the Trade Union Committee. This was a special meeting with the purpose of providing detail and clarity on the draft framework agreement ahead of the meeting on 7th March. It was an opportunity for the committee to start to formulate early thinking on key issues to inform decision-making going forward. In our assessment we consider the clarity, accuracy and objectivity of the information provided to be as follows:
 - Clarity: the overview provided by the Lead Negotiator to the TU Committee at this time was as clear as could be expected given that negotiations were still ongoing. At this stage there were a number of elements of the draft framework to be confirmed as would be expected given the negotiations were still ongoing.
 - Accuracy: it was the most up to date version of the framework agreement at that point e.g. it included the proposed one-day reduction in annual leave.
 - Objectivity: as Lead Negotiator reminded the committee of the dual pronged approach to the negotiations (i.e. the RCN would be submitting evidence to the PRB simultaneously in case negotiations were unsuccessful), we consider the information of the stance taken by the Lead Negotiator to be objective.

See the next section on Decision Making, during which the 7th March Trade Union Committee follow-on meeting is reviewed.

b) On the 19th February, the Lead Negotiator informed the Pay Working Group that the government had indicated that the deal would be off the table if unions did not recommend it to their members. This is repeated to the Chair of Council and the Chair of the Trade Union Committee in a briefing note on 23rd February. In our assessment we consider the clarity, accuracy and objectivity of the information provided to be as follows:

- Clarity: no evidence from documents we have read or interviews we have conducted leads us to believe that any attendee misunderstood this information.
- Accuracy: As there are a number of other documents issued around the same time verifying this, we can assume the accuracy of this information. For example, a briefing prepared for the Chair of the RCN Council to give to NHS Staff Council on 21st February states that: "If the unions (this means Unison and/or RCN for all practical purposes as the 2 biggest trade unions) are not able to go out to members with a positive recommendation the Treasury will consider it too risky to proceed and the framework agreement will be off the table".
- Objectivity: While this information is not formally presented the Trade Union Committee during its 7th March meeting, it is expressed to the Chair of the Committee (along with the Chair of Council) in a Briefing note on the 23rd February: "There is agreement that once we have confirmation of funding and if all the trade unions indicate they will make a positive recommendation in member consultations (*if we can't there is no deal and we would have to revert to the Review Body*), then we will do what we can to provide joint materials, Q&A and pay calculator tool, to ensure consistency." Elsewhere in the briefing note there are a number of negatives of the deal outlined although they are qualified - e.g. "There are some not so good things in the framework and difficult messages that all unions will have to have an honest discussion with members about [*including*] removal of day's holiday (but note, some members are not averse to this being negotiated, from recent exchanges I have had, depending on the terms of the overall agreement)".

c) On the 5th March, the Lead Negotiator provided the Pay Working Group with the opportunity to scrutinise the information being presented to the Trade Union Committee on the 7th March meeting. Minutes of the meeting attest to this. We have seen the documents reviewed by the Trade Union Committee on the 7th March. Further review is required to understand how, if at all, the presentation was changed as a result of discussions at that meeting, and the level of scrutiny that was given to these documents at the meeting. This is because the minutes of the meeting are a record of agreed actions but do not record if changes were required.

2. Director of Member Relations

During the negotiation stage of the process, the Director of Member Relations has one important touchpoint in the process. On the 19th February, an email is sent to the Executive Team with the most up to date version of the framework agreement that was being reviewed by the Treasury at that time. It is understood that, while this is an opportunity for the Executive Team to scrutinise the deal, negotiations themselves are on pause while the Treasury reviews the framework. Further investigation is required to understand the influence this communication had on the decision making process and how it informed the presentation to the Trade Union Committee on the 7th March and this may require us to re-contact some of the interviewees.

3. The Pay Working Group

As with the RCN Lead Negotiator, the Pay Working Group was a key participant throughout the entire process. Of particular note was the manner in which, evidenced from meeting minutes of the 19th February and the 5th March, information to be presented to the Trade Union Committee was reviewed. This information, coming from the Pay Working Group to the Trade Union Committee, will require further investigation to understand if it was clear, accurate and objective. Of particular note is the following:

-
- a) During its meeting of the 19th February, the Pay Working Group was informed that the RCN was, at that stage, the only trade union of the 14 involved in the negotiations that might be unwilling to recommend its members to accept the pay deal. This information requires further investigation to assess its clarity, accuracy and objectivity, particularly in light of the position taken by the GMB not to recommend the deal to its members.

Finally, as has already been discussed (see section 1.c above), the information provided to the Pay Working Group on the 5th March requires further investigation, to ensure that it was presented in a way that was clear, accurate and objective. At this meeting, the group discussed the presentation that was to be made to the Trade Union Committee on the 7th March.

9. Process Stage: Decision Making

Key milestones:

- TU Committee Endorsements
- Membership Consultation
- Framework Agreements (versions):
- 15th February, 27th March and 27th June
- RCN Council Endorsement
- NHS Staff Council Endorsement

Process steps	
The high level process for the decision making stage - endorsement of the final framework agreement- was as follows:	
1. TU Committee met to discuss, scrutinise and endorse <i>in principle</i> the framework agreement presented by the Chief Executive & General Secretary and the Head of ERD (lead negotiator for RCN)	07 March
2. NHS Staff Council endorse the agreement prior to member consultation	21 March
3. RCN Council with Country and Regional Boards in attendance received pay deal update including reasons for the TU Committee decision of 7 th March.	04 & 05 April
4. Member Consultation via online vote to accept or reject the framework deal (see Communication Stage)	23 April to 5 June
5. Member Consultation results presented internally TU Committee meet to endorse the pay deal RCN Council meet by teleconference to ratify and endorse the TU Committees decision	06 June
6. NHS Staff Council endorse the final framework agreement	27 June

Process analysis

1. Minutes of the **TU Committee meeting of 7 March** record that the ‘pay structure and contract reform talks’ were introduced by Janet Davies, Chief Executive & General Secretary and presented by RCN’s lead negotiator, Josie Irwin.

The minutes reflect that in her introduction, Janet Davies reported on progress of the negotiations towards reaching a ‘fully-funded pay deal for all four countries via the Barnett formula’ with emphasis placed on consideration of the progress made since the initial negotiating position including faster incremental pay progression and reform, annual pay rises and the successful push back on government lines on imposing productivity measures and changes.

The minutes note that the committee was provided in advance with a copy of the latest draft framework agreement and Josie Irwin, lead negotiator, took the committee through a line-by-line briefing on the agreement. Also provided were guidance and comparison documents on pay scales before and after the deal, transition progression to a band level and evaluation of the impact of the draft agreement at each pay point across the three-year time frame.

Verbal evidence provided by interviewees of those present at the meeting attest to the level of debate and scrutiny by the TU Committee, not reflected in the original minutes. At least two attendees praised the skill of the Chair and their efforts to ensure all voices in the debate were heard. There were mixed views amongst the attendees questioned as to whether they felt fully informed around the deal they were agreeing at this time.

The minutes reflect that the committee endorsed the framework deal in principle. This was reported during audit as a show of hands with 2 members abstaining.

The evidence shows that TU Committee decision of the 7th March is key to the internal process of RCN agreeing the framework agreement in principle prior to it being presented for member consultation. In addition, final approval of any deal was subject to consultation and agreement by all NHS Staff Council trade unions.

The **Pay Working Group** gave their backing to the committee's decision in the meeting of 19th March. The minutes reflect an expectation that the framework agreement will be signed off (by the government) on 21st March and 'our position is that we positively endorse the agreement (will be selling the whole package) and will be campaigning for its acceptance.'

2. **NHS Staff Council** endorse the agreement prior to member consultation, as referenced in the Pay Working Group minutes of 5th March 2018. NHS Staff Council is external to RCN (part of NHS Employers) and minutes of meetings have not been provided for this audit. ERS has understood the negotiations and decisions undertaken from this group from items and notes in minutes of RCN meetings (eg. the Pay Working Group) and from interviews, specifically with the Lead Negotiator.

3. In a meeting held on 4 and 5 April 2018, **RCN Council and Country and Regional Boards** was updated on the reasons for the TU Committee decision agreeing to the deal. The minutes reflect that the Chair of the TU Committee [although not listed as an attendee] opened the session on the pay update and 'emphasised that it was the best deal that could be negotiated in the current circumstances, had no strings attached and would be funded by the Treasury and this was why the committee had agreed to recommend the deal to members'.

4. Members were consulted on the pay deal between 23 April and 5 June. The result of the consultation was an acceptance of the pay deal by 77% of those voting.

5. On 6th June **RCN Council** met by teleconference to endorse the decision the **Trade Union Committee** had made earlier that day to 'formally accept the proposed three year NHS pay and structural reform Framework Agreement for England'.

6. On 27th June **NHS Staff Council** endorse the final framework agreement.

Was the information provided to and considered by the participants at the decision making stage clear, accurate, objective including both positive and negative elements for informed decision making and clear communication?

The key decision making at RCN during this stage was undertaken by the TU Committee and endorsements by the RCN Council and Pay Working Group.

The RCN Lead Negotiator was a key participant throughout the decision making stage; in updating stakeholders and communicating the details and impacts of the deal to decision makers. As such, there were multiple touch points with various participants during this stage:

a) **TU Committee 7th March** this followed the special meeting of the 7th February to update the committee members on the negotiations and emerging framework (see Section 8, Process Stage: Negotiation).

In our assessment the clarity, accuracy and objectivity of the information provided to decision makers was as follows:

Clarity: It is noted that the deal being presented was complex given that it incorporated a pay uplift and pay structure reform which would impact different members in different ways over the (total of) 54 pay points in place. There are therefore inherent challenges in attempting to present this information in a clear way. Two interviewees felt that the time allocated to working through the nuances of the deal was insufficient, given the complexity and amount of information to impart.

The Lead Negotiator stated that in order to attempt to make the information presented at the meeting clearer, a simplified version of some of the graphs shown to the Executive Team on 2nd March had been used in the TU Committee. These are included in the tabled papers presented at the meeting and relate to transition progression and completion of reform.

There is a mixed view amongst the attendees of the meeting as to whether the information provided was clear. Interviewees felt that, in hindsight, the information could not have been clear enough if details of implementation (relating to when the 3% pay rise would occur) were lacking.

All four interviewees stated that at the time of making the decision to agree in principle the framework agreement they understood the deal to mean all staff would receive a 3% uplift from 1st April.

In examining whether information provided was clear enough to inform participants of the implementation relating to the '3% for everyone' communication, ERS notes that the wording of the framework agreements (the 15th February version presented to the TU Committee and the subsequent versions) do not specify how and when pay increases will be delivered in pay packets in the first or subsequent years of the deal. Rather, the figures provided show the salaries at each pay point prior to the deal (ie. for 2017/18) and final salaries in each year of the deal once the effect of both uplift and pay reform have been delivered in those years. For example:

		Current	Year 1	Year 2	Year 3
Band	Years of experience	2017/18	2018/19	2019/20	2020/21
Band 5	1	£22,128	£23,023	£24,214	£24,907
	2	£22,683	£23,023	£24,214	£24,907
	3	£23,597	£23,951	£24,214	£26,970

With reference to pay structure reform and the 1st April date, the agreement states:

1.1. *The intention of the reforms to the pay structure is that by the end of the three-year period - and on 1 April of each of the years covered by this agreement – individuals*

will have basic pay that is of greater value than under current expectations (which are defined as a 1 per cent pay award per annum plus contractual increments).

Again, no mention of 3% uplift 'for all staff' was implied directly from this or, according to the evidence discussed at the meeting. Evidence of a 3% increase for those at the top of pay points is within the framework agreement presented to the committee:

1.2. The value of the top pay points will increase each year as follows:

- *3 per cent in 2018/19*
- *1.9 per cent in 2019/20*
- *1.4/1.5 per cent in 2020/21 [TBC].*

Accuracy:

The draft framework agreement (dated 15th February) was a key document in the meeting from where information was drawn. As this was the latest copy of this source document, ERS believes it reasonable to assume the accuracy of information presented within and from it at this time.

In reference to when the increase might be implemented, the meeting minutes include this statement:

- *6.15 The effective start date for any agreement receiving final approval would be 1 April 2018, with increases being backdated as necessary.*

Whilst this statement does appear accurate ie. necessary increases (for example top of band 3% pay increase – see below) are being backdated to 1st April, ERS believes the wording could be misconstrued without the detail pertaining to which increase (pay uplift or incremental increase) it relates. It is not clear from the evidence the context in which this statement was written.

Objectivity:

Interviewees attest that positive and negative aspects of the deal were outlined to the committee and discussed. Examples of positive elements sighting include most members receiving a pay deal with an increase of at least 6.5% over a three-year period and abolition of the lowest pay band lifting this group to a higher pay point. It was also described as the 'best deal available' under the current climate.

Negative aspects discussed at the meeting included the view that the deal could be perceived as 'unfair' since some staff, typically those not at the top of their pay band, had more to gain than those 'most loyal' with longest 'length of service'. In addition, the loss of one day's annual leave and detrimental changes to the terms regarding unsociable hours (these elements were later dropped from the agreement) were covered.

Further review is required to test objectivity in this area. For example, the GMB union advised its members to reject the deal and therefore review of their reasoning may inform the understanding of whether information provided was objective and allowed for informed decision making.

b) Pay Working Group 19th March. Minutes state that a new draft framework agreement was shared at this meeting; the version due to be signed off on 21st March with the annual leave element removed. There is no evidence to support the clarity, accuracy or objectivity of the information provided at this meeting but ERS notes the core elements of the framework are as the previous version presented to the TU Committee (see above).

c) RCN Council

In a meeting held on 4th and 5th April 2018, RCN Council was updated on reasons for the TU Committee decision to agree to the deal. The minutes reflect the Chair of the TU Committee [although not listed as an attendee] opened the session on the pay update and 'emphasised that it was the best deal that could be negotiated in the current circumstances, had no strings attached and would be funded by the Treasury and this was why the committee had agreed to recommend the deal to members'. The Lead Negotiator also updated Council.

In our assessment the clarity, accuracy and objectivity of the information provided to Council was as follows:

Clarity: Clear statement presented by the Chair of the TU Committee and headlines of the progress that had been made in reaching the deal. For example, 'the Scrap the Cap campaign had forced the issue'.

Accuracy:

Evidence on the contents of the agreement reviewed from the 7th March meeting does not contradict the information presented to Council (see above).

The accuracy of the statement regarding the deal being 'funded by the Treasury' is brought in to question by evidence from the Pay Working Group on 1st August which includes in the minutes:

2) NHS providers have said that the amount of money set aside was based upon the size of the workforce in November 2017 rather than July 2018. Vacancies are also not funded. Consequently, there is a cash shortage.

Further review is required to understand the accuracy and implications in this area.

Objectivity:

The objectivity of the statement 'best deal that could be negotiated in the current circumstances' is questionable since no alternate proposals were available or suggested.

Findings

ERS notes that explicit detail relating to implementation of the pay deal for all staff (with regards to pay increase in the first year) is not found within the framework agreement and was not available until NHS Employers published information in the second week of July, as referenced by the Lead Negotiator in interview. From the evidence it appears that clear information on this point was lacking during presentation of the deal, including to the TU Committee on 7th March, and is likely the cause of interviewees holding the belief that all staff would receive a 3% pay uplift from 1 April 2018.

The agreement was also sighted as the best deal available but the objectivity of this is questionable since there were no alternate proposals available or suggested to TU Committee by means of comparison. During interview the Lead Negotiator maintained that this is their belief having been at the negotiating table.

Further review is required to understand the implications of the 'cash shortage' for the deal sighted in Pay Working Group Meeting of 1st August 2018 and whether this means previous affirmations that the deal would be funded by the Treasury, as objective reasoning for agreeing the deal, were accurate.

Further review is also required to test objectivity of the positive and negative elements of the framework as presented to decision makers. For example, the GMB union advised its members to reject the deal and therefore review of their reasoning and communication may inform the understanding as to whether information provided to RCN stakeholders was objective.

10. Process Stage: Communication

Process steps

The high level process for the communication stage – to members - was as below. This phase overlaps with the decision making stage, as the communication campaign sought to inform members prior to implementation.

1. Weekly or fortnightly meetings of the **Pay Working Group** – informed the communications strategy. Meeting dates in 2018:

08 Jan, 22 Jan, 09 Feb, 19 Feb, 12 Mar, 19 Mar, 23 Mar, 05 Mar, 06 Apr, 18 Apr, 03 May, 17 May, 31 May, 7 Jun, 28 Jun, 5 Jul, 28 Jul, 1 Aug

*2018
throughout*

2. Pay Deal Campaign:

Education period

*21 Mar
to 23 Apr*

Voting period (Membership consultation, England.)

*23 April to 5
June*

3. **RCN and NHS Staff Council** joint union statement

8 June

4. Apology from Janet Davies

25 July

5. Follow up on apology from Janet Davies

27 July

Process analysis

The communications campaign at RCN developed from the message of ‘Scrap the Cap’ to ‘Close the Gap’ in October 2017. Once it was endorsed by the NHS Staff Council on 21 March, the communications campaign turned its attention to educating and informing members of the deal itself. The Pay Deal campaign commenced on the date above, with information about the deal and its implementation being disseminated throughout the summer of 2018.

The Pay Working Group was the main touch point for communications strategy discussion and development. The group includes the Director of **Membership Relations**, **Lead Negotiator**, **Head of Campaigns & Member Engagement**, **Associate Directors**, and **Regional Directors**.

The Director of **Membership Relations** was the lead, and as such carried overall responsibility for the content of messaging within the campaign, and the member engagement. Evidence suggests that communications were approved by the Chief Executive or individual members of the Pay Working Group not the Council, Trade Union Committee or their relevant Chairs.

Early on in the process participants understood its complexity, relating to the dual impact of pay uplift and structural changes to pay bands, would be an issue when it came to communicating to members. Participants stressed the requirement for members to be able to understand the impacts of the deal on an individual basis. As early as the **9th February Pay Working Group meeting**, the use of a pay calculator to display individual impacts was discussed. Initially a calculator was developed with the input from trade union participants and employers. The ability for members to review impacts on an individual basis reliably through the pay calculator and through face-to-face meetings with reps (at surgeries at Congress and during ‘ward walks’ for example) would be the foundation of an important message to members during consultation.

The calculator was by no means the only source of communication to members however, **Pay Working Group meeting minutes from March 12th** show strategy discussion and communications activity get the campaign underway including video, webinars, social media, internal FAQs, Pay Champion information packs, bulk emails,

blogs, presentations at branch meetings, traditional media and print leaflets & posters. A review of some of the key messages available to members in these formats can be found below.

The communications stage involved staff, boards, directors and members across RCN, from 'walk the wards' rep sessions, branch workshops and direct message from the communications team at RCN headquarters. While the content of these one to one discussions are not available, we can analyse the information disseminated to reps and board members alike that informed these discussions.

The membership advisory team at RCN Direct, Cardiff Gate were briefed on how to respond to member enquiries by the Lead Negotiator. Evidence shows that these were escalated as required; sample emails show the Lead Negotiator providing information for responses personally. Evidence from interviews with the Lead Negotiator suggest that had complaints and feedback relating to the pay deal been left to the existing complaints procedure, they would not have been dealt with in the timeframe allotted for consultation. As such an alternative procedure was established to ensure members received responses during this critical time, whereby feedback (questions and comments) relating specifically to the pay deal were redirected to the RCN Head Office to deal with separately.

On the 11th April Pay Champions throughout the RCN England rep network were issued with communications packs to help disseminate the message to members. The message had been pared down to 5 key bullet points:

1. A pay rise for everyone
2. Quicker progression to the top of your band
3. Unchanged unsocial hours payments
4. Untouched annual leave
5. Improved recruitment potential

Another key message during this time was signposting members to online tools where they could find out more about the deal, particularly www.rcn.org.uk/nursing-pay, where members were directed to the pay calculator to find out more. Communications in other countries were managed separately by the relevant Country Director using the information provided by Head Office.

Evidence from the **24th April Executive Team meeting** suggests that the message communicated was simplified in response to feedback from members.

Was the information provided to and considered by the participants at the decision making stage clear, accurate, objective including both positive and negative elements for informed decision making and clear communication?

A sample of evidence from the communication stage used to educate and inform members was presented for review. In addition, an internal audit undertaken by RCN of numerous communications during the campaign was reviewed. Samples key communiques used during the campaign are assessed below:

1. **A graphic included in the presentations at member meetings** during the education period which highlighted key elements of the deal included "6.5%" and the following bullets:

- 2018/19: 3%
- 2019/20: 1.7% (plus a 1.1% cash lump sum)
- 2020/21: 1.7%

In our assessment the clarity, accuracy and objectivity of the information provided to decision makers / members was as follows:

Clarity: The information displayed appears clear but requires the presenter of the information to explain that this relates to top of pay bands. This context is inferred because the 6.5% figure is the gross increase over three years for top of band members, as explained in the bullets below the graphic which also states that '50% of staff are at the top of pay bands'.

Accuracy:

The information displayed follows the values for the top pay points as set out in the Framework agreement for Bands 2 – 8c, except that the 2020/21 value has been rounded up to 1.7%. It is 1.67% in the agreement. The 6.5% increase is accurate for bands 2 – 8c but, for bands 8d and 9 the increases will be lower, 5.4% and 4.5% respectively over the three years.

Objectivity:

The information is objective as, aside from the inaccuracies described, it relays information provided in the Framework agreement.

Print materials:

2. Nursing pay leaflet used early on in the campaign (NHS England). The information leaflet lists 5 key points about the deal on its cover with further detail for each provided within:

- A pay rise for everyone
- Quicker progression to the top of your band
- Unchanged unsocial hours
- Untouched annual leave
- Improved recruitment potential

Clarity: The information, which is generalised, is presented clearly and broken into simplified points. There is further detail to attempt to qualify the points presented within. The leaflet explains through enlarged text that the 'deal affects different bands in different ways' and signposts to the pay calculator via an RCN web address. At the end of the leaflet the *nhspay.org* joint union website is also provided.

Accuracy:

The leaflet provides generalised information applicable to all members and therefore specific information on pay journeys is not presented. The five key points are accurate in relation to the pay deal, however there is some inaccuracy where details are given. For the first key point the details state that 'Everyone on an Agenda for Change contract will receive at least 6.5% over three years with some receiving much more'. Whilst this is accurate for the majority of RCN members, those on bands 8d and 9 will not achieve this increase.

Objectivity:

Information is presented objectively. Where recommendations to accept it are made, the language is used to demonstrate that an opinion is being given 'RCN considers it to be the most we can expect at this time.

3. Pay calculators. Much of the communication material used in the campaign signposts members to the pay calculators for their specific journey; that is the information relating to their progression over the course of the deal as pay uplifts and incremental reform are achieved. Two calculators were available for members during the campaign, one created by the joint unions and a second provided by NHS Employers and available once they had provided implementation details in June.

Joint union pay calculator: In our assessment the clarity, accuracy and objectivity of the information provided to decision makers / members was as follows:

Clarity: Text on the journey of the calculator sets out that 'Increases to earnings include a combination of pay awards, reform and incremental progression'. It is also clear that exact timings of increases for staff not at the top of pay bands 'will depend on their anniversary/incremental date.' However, the data provided by the 'calculator' is crude in that, upon inputting band and spine point the information returned is salary increase at the end of each financial year. A breakdown of salary prior to and after increment is lacking. The underlying tables, which can also be viewed in their raw form, are from the Framework agreement. Data available through the calculator web pages includes comparison tables of the difference in pay between the current system and proposed deal. This information is not clearly signposted and relies on the user first running the calculator and then clicking on a link under the results where a further page of detail reveals the tables. There is another link at the bottom of this page (ie. under the comparison tables) which provides a 'technical annex'; detailed graphs and tables about the pay progression for each band and comparison with the current system prior to the deal.

ERS notes that the Trade Union Committee decision of 7th March also agreed that: "That full information would be provided to support the consultation on the value of the framework for members over the three years of the agreement and compared to the expected 1% plus contractual increments through the current Pay Review Body process". These comparison tables appear to fulfil this aim – and are a useful tool for decision making - however the lack of clear signposting means members are unlikely to have seen them.

Accuracy:

Information appears accurate but is lacking detail. For example, selecting band 4 pay point 13 shows current salary (before the deal), and the salary at the end of each of the three years with the accumulative increase across the three years displayed separately. A total percentage increase is provided (17.55% for this example). This data lacks the detail to understand how a member's progression will look during the course of the year, when increases at increment dates are taken into account – although the calculator is clear to point out that the information 'shows the combination of pay awards, reform and incremental progression'.

Objectivity:

The underlying data for the pay calculator is taken from the Framework agreement and presented as salary increases in figures and as percentages. Therefore, the objectivity of this information is not questioned.

NHS Employers: This pay calculator is external to RCN but was signposted from RCN's website from July 2018. The key difference from the joint unions calculator is that this version incorporates the member's increment date, which they input, within the results so that the salary position before and after the pay step is displayed. The calculator displays the absolute increase rather than percentages so manual calculation is required to understand the percentage increase, and see for example that the April increase for a Band 5 pay point 19 member is 1.5%.

RCN Bulletin June 2018: A 'pull-out poster' in the bulletin includes the following information to members:

"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.... But it depends when you're due your incremental rise. If it was between April and July, you'll get that additional increase too."

In our assessment the clarity, accuracy and objectivity of the information provided to decision makers / members was as follows:

Clarity: The information is clear, in that it states a pay rise of at least 3% for members and in addition an incremental gains.

Accuracy:

The information is not accurate. Details of how the pay increase would be implemented, and therefore whether or not 3% would apply to everyone from 1st April, were not available until July. This information therefore misleads members not at the top of their pay band into thinking they would get a larger percentage increase than was implemented.

Objectivity:

It is stated as fact and can therefore be said to be objective.

4. Consistency of Language. Throughout the communication stage of the pay deal process a great many tools and mediums were used to disseminate information to members. A full and complete review of all content is beyond the scope of this study but a summary of the difference in language use is below.

A clear message coming from RCN throughout the process was '6.5% over three years.' Exactly how this message changed from one medium to the next is worth considering. For example, the web story published on the RCN website on 21st March entitled 'New NHS pay deal for England' references this message as follows:

"Around 50% [of members] who are top of their bands, will get 6.5% over three years. Others could get much more, up to 29%." A similar web story published on the 23rd April states that "Most will get at least 6.5% over three years, some will get considerably more". An article published in the Activate magazine on 21st March says it slightly differently: "Around half of staff will receive a pay rise of at least 6.5% over three years, but many will receive much more, up to 29%." These are only three examples of the language used across different mediums. However, in our assessment the clarity, accuracy and objectivity of the information provided to decision makers / members was as follows:

Clarity:

The ambiguity of the language used throughout the communication stage of the pay deal is one area in particular that will require further investigation to understand whether or not participants were misinformed. The inconsistencies in the decision making that went into the choice of language is one indicator that a lack of leadership in the implementation of the communications strategy is a key finding from this analysis.

Accuracy:

The ambiguity of the language used across mediums means that, in the vast majority of cases, the message itself was accurate (albeit vague). However, the inconsistency in language may have been a root cause of the use of inaccurate language. Rather than having one, agreed, stock choice of words to convey the message of 6.5% over three years different responses were permitted and required assessing for accuracy.

Objectivity:

The message under scrutiny here is one of fact, i.e. who gets paid what and when. Its objectivity is therefore not a concern.

Findings to date

Evidence shows that inaccurate information was presented to members on occasions during the communication campaign, both in printed literature, online information and through responses provided directly to members.

Although '6.5% over three years' was a key message and members were advised to check their individual pay journey using the calculators, there is inaccuracy in some information presented relating to the implementation of the pay deal and factually incorrect assertions that there would be a 3% uplift for all members from 1st April. This is incorrect and information on how the deal would be implemented, in regards the initial pay lift, was not available from NHS Employers until July.

The inconsistencies in the decision making that went into the choice of language is one indicator that a lack of leadership in the implementation of the communications strategy is a key finding from this analysis.

Further review is required on the communication campaign to analyse and consider the knowledge of the RCN and its general understanding of the pay deal and how this influenced its messaging to members at the key change points of the process. This will include the responses provided directly by the RCN to individual members in response to their queries. For example, we have evidence through interview and in the documentation that the Lead Negotiator provided responses, to at least two member queries (early May and end of June), that appear to be either inaccurate or misleading in relation to the back dating of the 3% to the 1st April for all members.