

Terms of Reference: Trade Union Committee

1. Name of Committee

The Royal College of Nursing Trade Union Committee.

2. Purpose

The RCN Council has established the Trade Union Committee in accordance with Schedule Rule 2.1 of the Royal Charter to ensure delivery of the following Royal Charter object:

3.3 To promote the professional standing and interests of Members

And in furtherance of its powers, described within the Royal Charter, to be a special register trade union body in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992.

The main purpose of the Trade Union Committee is to carry out governance functions as aligned to the trade union and employment relations functions of the RCN as delegated by Council, in particular matters concerning pay, trade union activism and any industrial employment relations.

3. Delegated responsibilities

3.1 The role of the Trade Union Committee is to support RCN Council to discharge its governance duties as delegated below:

- a) to oversee the governance arrangements underpinning the relevant aspects of the trade union and employment relations activities that will deliver on the strategic priorities of the RCN Council.
- b) to provide advice, make recommendations to RCN Council, and/or approve decisions on trade union and employment relations matters in line with the delegated authority provided by RCN Council, described within the overall scheme of delegation and set out at paragraph 3.2 below*. This includes recommendations on changes to agreed policy and positions as well as new policy and positions.

- c) to contribute the Committee's perspective to the development of overall RCN strategy and planning.
- d) to promote and lead active engagement with members across the UK on trade union and employment relations matters and to ensure their views are fed into the RCN's trade union and employment relations activity.
- e) through ex-officio membership of their country or regional boards (or in the case of the Nursing Support Worker member and the Student member, through ex-officio membership of their respective representative committees), Committee members will ensure the strategic priorities of the RCN Council are enacted in relation to trade union activity in those constituencies, and feedback information from those constituencies to the Committee to inform priorities and decision-making.
- f) to ensure that the RCN works in partnership with external stakeholders in its trade union and employment relations activity and in line with the decisions of RCN Council.
- g) to monitor and review the RCN's performance as a trade union and its associated activities to support members in respect of their employment against the key performance indicators, annual plan and budget agreed by the RCN Council.
- h) to review, monitor and report risk to the RCN Council in relation to the RCN's trade union and employment relations activity.
- i) to work collaboratively with RCN staff and others engaged in the RCN's trade union and employment relations activities and to constructively consider the professional advice provided by staff to ensure accountability in decision making.
- j) to champion and support the RCN in its role as a special register trade union.
- k) to uphold and respect the decisions of RCN Council and to exercise corporate responsibility.
- l) support and implement the priorities identified in the RCN's equity, diversity and inclusion (EDI) strategy as appropriate, and ensure that principles of EDI are embedded within the Committee's work plan and the ways of working of the committee.
- m) to review Congress progress reports on resolutions. When the report is to be presented to the members, the Committee will recommend to Council to approve.
- n) to develop and implement within the Committee a positive learning and evaluation culture, undertaking regular Committee and individual member self-assessment reviews as well as

relevant learning and development to ensure members are effective in their committee role, and to ensure they can provide relevant advice and expertise.

- o) to promote and role model behaviours in line with the RCN's *Code of Conduct, Respect Charter and Regulation on Fit and Proper Persons*.

3.2. Decision making routes for the Trade Union Committee are set out below:

a) Trade Union Committee is final decision maker for:

- Collective bargaining, up to and including consultative ballots on pay.
- Activism and member engagement at UK level.
- Employment relations policy or legislation that is related to the RCN in its role as special register trade union body (*for example – consultation about influencing employment practice*)
- Political affairs and lobbying agenda related to work of the RCN in its role as special register trade union (including consultation).
- NHS Pay Review Body – RCN submission. However, where there is a risk of contention, including
 - a decision on whether the RCN will submit,
 - a decision on whether the RCN will participate/contribute in any joint union submissionthe Committee will recommend to RCN Council to make the decision.
- Management of the RCN trade union risks.
- Approval of terms of reference for the UK Representative Committees.

b) The Committee will review and recommend all other decisions to RCN Council. This will include:

- statutory ballots on industrial action / recommendations on pay awards or offers.
- new or changes to RCN employment relations positions that impact UK wide.

4. Reporting and accountability

4.1 The RCN Trade Union Committee is responsible and accountable to RCN Council for all aspects of its governance responsibilities.

4.2 Formal minutes of meetings will be kept and approved at subsequent meetings of the Trade Union Committee.

- 4.3 In accordance with Rule 2.3 in the Royal Charter the deliberations of the Committee shall be reported to RCN Council and any decisions taken shall be reported to RCN Council.
- 4.4 Key messages from the Committee's meetings will be disseminated to country and regional boards, to the representative committees, and to the wider membership via the RCN website and other communications channels as appropriate.
- 4.5 A summary report of meetings of the Committee will be included in Council papers for information. Associated papers will be made available to RCN Council at their request through the Chair of Council in the RCN's electronic council and committee meetings repository (as at May 2024, the RCN uses ModGov).
- 4.6 The Chair of Trade Union Committee or in their absence, the Vice Chair of Trade Union Committee will attend RCN Council meetings to present regular updates on the work of the Trade Union Committee and for any other item that the RCN Council deems appropriate.
- 4.7 The following Committees/Boards shall report to and be accountable to the Trade Union Committee, who will be responsible for reviewing and approving their Terms of Reference:
- The UK Learning Representatives Committee
 - The UK Health and Safety Representatives Committee
 - The UK Stewards Committee
 - The UK Organising / Activism Board
- 4.8 The Committee is responsible for ensuring oversight and monitoring of the performance of the committees that report to it.
- 4.9 The Committee may set up such sub-committees or other groups as it thinks fit to further its work, but these shall be approved by RCN Council.

5. Meetings and quorum

- 5.1 The RCN Trade Union Committee will meet at least 6 times a year. The dates of the meetings shall be agreed by RCN Council in the year preceding that in which the meetings are to be held.
- 5.2 Special ad hoc meetings may also be called if the business of the RCN Trade Union Committee is of such urgency that it cannot wait until the next scheduled meeting.
- 5.3 The quorum for decision-making is half the Committee.

5.4 The rules and procedures in the *RCN Meetings policy and process* apply to this Committee.

6. Membership

6.1 There shall be 14 members of the Committee as follows:

- One RCN accredited representative in the Nurse category of membership from each of the RCN's twelve countries and regions.
- One RCN accredited representative from the Nursing Support Worker category of RCN membership.
- One member from the Student category of RCN membership.

6.2 Further eligibility requirements are set out in the *RCN Elections policy* and in the specific election procedure for each election which is held.

7. Observers

7.1 Observers may attend meetings at the discretion of the Chair. Observers can speak and/or participate in the meeting only with the permission of, or at the request of, the Chair.

7.2 Individuals attending in observer status will receive those papers relating to the areas relevant to their observer role.

7.3 Observers will not usually attend private or confidential sessions of the Trade Union Committee.

8. Election/appointment to the committee

8.1 Elections/appointments to the committee will be conducted in accordance with the *RCN's Elections and Appointments policies* and with the specific procedure for each election/appointment.

8.2 Half the Committee will be elected every two years.

9. Terms of office

9.1 Terms of office will be for four years except for casual vacancies which will be to the end of the vacant term.

9.2 Members of the Committee are asked to commit to serving their full term once elected and not stand for another RCN role if that meant they would need to stand down from the Trade Union Committee mid-term.

9.3 The *RCN Regulation on Terms of Office* shall apply in respect of serving more than one term.

10. Mid-Term (casual) vacancies

10.1 A casual vacancy on the RCN Trade Union Committee shall be filled in accordance with the *RCN's Process for filling casual vacancies*.

11. Chair and vice chair

11.1 In accordance with Rule 2.2 in the Royal Charter the RCN Trade Union Committee shall have a Chair. A Vice Chair shall also be elected.

11.2 The Chair and Vice Chair shall be elected every two years by the members of the Committee from amongst the members of the Committee.

11.3 The terms of office for the Chair and Vice Chair shall each be for two years.

11.4 The *RCN Regulation on Terms of Office* shall apply in respect of serving more than one term.

11.5 The Chair and Vice Chair must relinquish these roles at the end of the term of office for the role, or if, for whatever reason, they cease to be a member of the RCN Trade Union Committee including reaching the end of their term of office on the Committee.

11.6 The process for the election of Chair and Vice Chair will be conducted in accordance with the *RCN's Election policy*.

12. Staff support, advice and guidance

12.1 The lead Executive Director will be the Executive Director of Legal and Member Relations and the Executive Director lead for pay who will ensure support and advice to the Committee.

12.2 Committee members and staff will work together positively and constructively, in line with the RCN's Respect Charter, to deliver the purposes of the Committee and within the RCN governance operating structure.

12.3 In the unlikely situation where key professional advice presented by staff is not accepted by the Committee, the advice and reasons for not accepting the professional advice will be fully documented in the minutes of the meeting. Should the responsible executive director(s) conclude this position poses a risk to the organisation and its members, the circumstances will be brought to the attention

of the General Secretary and Chief Executive who will assess the seriousness of the position and advise the Chair of Council accordingly. Should a resolved position not be reached the matter will be escalated to RCN Council for a determination on the way forward.

12.4 The Executive Director of Governance will ensure secretariat support from the Governance team.

13. Removal from the Committee

13.1 A Committee member may be removed before the end of their term of office on the grounds if they:

- a) have exceeded their powers in a way that is detrimental to the RCN
- b) have failed to discharge their duties
- c) have acted in breach of the RCN's Code of Conduct and/or Respect Charter
- d) have acted in a manner likely to bring the RCN into disrepute
- e) they have failed to attend three consecutive meetings (excluding special ad hoc meetings)
- f) have any active cautions from the NMC, or other regulator, against their name, are currently subject to any NMC, or other regulator's, sanction, and/or they are subject to any ongoing disciplinary proceedings with any of their employers or professional disciplinary proceedings before the NMC or another regulator.
- g) are subject to ongoing disciplinary proceedings in respect of any role they hold at the RCN and/or currently subject to any RCN disciplinary sanction.

13.2 The processes for such removal will be in accordance with the Member Resolution policy

These Terms of Reference were approved by RCN Council on 24 July 2024 following review by the Committee on 18 July 2024.

The RCN documents referenced in these terms of reference, such as the RCN's Respect Charter, are available on the RCN website, [here](#)