

NHS Professionals (NHSP) alleged overpayment situation for bank workers at Oxford University Hospitals NHS Foundation Trust (OUH)

In October 2018 the RCN became aware of a situation impacting a significant number of RCN members working at the OUH via the NHSP bank between 1 August 2018 and 23 September 2018.

All shifts worked under the following NHSP Pay Codes between these dates at the OUH received a higher rate of pay than was intended to be paid by NHSP:

- RN59 (Band 5 Theatre nurse).
- TP59 (Band 5 Theatre Practitioner).
- RN60 (Band 5 Children's).

NHSP has accepted responsibility for the error but is wrongly asserting that the higher rates of pay RCN members received constitute an "overpayment" which it is seeking to reclaim.

RCN members have confirmed and provided evidence to us that they were advised of the higher rates of pay prior to undertaking the shifts and that many of them sought clarity from both the OUH and directly from NHSP regarding the higher rates of pay.

Both the OUH (via their Trust Liaison Coordinator for NHSP) and NHSP themselves confirmed the higher rates of pay were accurate. Our members therefore had accepted in good faith these higher rates of pay as an explicitly agreed term of engagement for the shifts they worked. As such, no overpayment has occurred.

NHSP has written to all members implicated in this matter alleging an overpayment and seeking repayment from our members. They have split these members into two groups: those who they allege owe more than £300, and those who they allege owe less than £300.

For those who they claim owe less than £300, NHSP has already started to make unauthorised and unlawful deductions from their NHSP wages of £25 a week. The RCN has written to the NHSP denouncing this action and asserting on our members' behalf that these deductions are unauthorised and unlawful. We have also made our position abundantly clear that these deductions should be returned to our members immediately.

For those who they claim owe more than £300, NHSP's letter states that members should either make the repayment in full, or contact them to arrange a repayment plan. Their letter, for many the first letter they would have received notifying them of the situation, also threatens referral of the matter to the NHSP Solicitors if repayment is not made. The RCN's letters to NHSP have been equally clear on this issue: no overpayment has occurred and notifying NHSP that the RCN will also consider legal avenues of redress as necessary in order to protect our members' pay and rights.

The RCN has included senior members of OUH management in all of our communications to NHSP highlighting the risks posed to their services if nursing staff lose trust and confidence in NHSP or the OUH when considering where to work extra shifts.

In early December 2018, the OUH responded by confirming they intend to conduct a thorough investigation into this matter and that they had instructed NHSP to cease further deductions from members wages. They also confirmed that if, as a result of their investigation, they established that staff had the higher rates confirmed, members will not lose any of this pay.

The RCN welcomed the OUH's intervention and commitment to thoroughly investigate the matter. However, we are aware that many members have already had unauthorised deductions made from their wages. We therefore wrote again to NHSP demanding immediate repayment of these unauthorised deductions and a commitment from NHSP to meet with both the RCN and OUH management to resolve the matter once the investigation's findings have been confirmed.

Up to date as of 19.12.2018
James Steen
RCN Officer