

# Activate

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## News, views and support for RCN activists



## Make your voice heard on bursaries

### The Government has finally launched its consultation on how changes to student nurse funding in England should work

Last year's announcement that bursaries would be withdrawn and replaced with loans sparked protests and uproar among the nursing community with thousands taking to the streets to express their anger.

However, ministers are pressing ahead with the plans and the RCN is encouraging members to make their feelings known. After a long wait a 12-week consultation has been launched on how the changes can be implemented.

Ending on 30 June, it will cover four topics: widening participation, post-graduate training, part-time students and training placements.

The Government argues the removal of the bursary will increase the number of people training to be nurses, with plans to create 10,000 more university places by 2020.

The RCN has serious concerns that the proposals could deter prospective nurses from entering the profession but is committed to reaching solutions that will boost the workforce.

"We're absolutely clear that the nursing profession should be accessible to a wide range of students including those from lower socio-economic backgrounds and those who are entering nursing as a second career," said RCN Chief Executive & General Secretary Janet Davies.

"We are concerned that the prospect of starting a nursing career with a large debt will deter mature students, many of whom have dependants, from joining the profession altogether.

"It is imperative that the design and implementation of any new model is shaped by full and proper consultation."

Information on how members can input to the RCN response to the consultation will be available soon.

Visit [www.rcn.org.uk/nursingcounts/student-bursaries](http://www.rcn.org.uk/nursingcounts/student-bursaries) for more information.

## Share strike advice with members

Activists are urged to share RCN guidance on what to do when colleagues strike, as industrial action escalates in the junior doctors' dispute.

Following the fourth round of action earlier this month, a full walkout, including the withdrawal of emergency care, is planned for 26 and 27 April.

Members are free to show their support by joining protests outside of working hours or expressing their views on social media, with the local press or other channels.

They should not be expected to take on any non-contractual duties as a result of the strike action being taken.

*Industrial Action by Other Unions*, available from [www.rcn.org.uk/publications](http://www.rcn.org.uk/publications), outlines what rights nursing staff have in taking on increased workloads while avoiding undermining lawful industrial action.

## Congress voting system set to change



Voting by show of hands will replace electronic handsets at this year's RCN Congress in Glasgow on 22 June.

Concerns were raised at last year's event that the handsets were unreliable and there were occasions when Chair of Congress Stuart McKenzie took the decision to revert to a show of hands for settling resolutions.

The Agenda Committee has considered all the available options for ensuring votes are fair and accurate and this system, as well as card voting for close outcomes or votes where discretion is needed, are seen as the way to go for 2016.

Stuart said: "Clearly the electronic voting system didn't always work as we'd hoped last year but I'm confident that the plans for 2016 will work well."

Delegates will receive a welcome pack on registering at Congress containing a handbook with three coloured pages for yes, no or abstain which can be held in the air and give a clear indication where the majority lies.

Members registered to vote in a particular session will all be seated in the same block at the front of the hall to make counting votes straightforward.

Stuart added: "We wanted a process that was simple and easy for all members and which made the counting process as quick and accurate as possible."

For close or private votes cards will also be available in the welcome pack colour coded for each day.

The absence of electronic handsets also means a change to the queuing system. Speakers will be asked to line up in order at the mic and help will be on hand to ensure fair access. The changes have all been equality impact assessed.

For more information on Congress and details of how to book, go to [www.rcn.org.uk/congress16](http://www.rcn.org.uk/congress16)

## Trusts breach new guidelines on agency spending

The RCN has called for solutions to staffing shortages in the NHS as research shows 96 per cent of trusts have been forced to breach government guidelines on employing agency staff.

The figures from recruitment agency MSI Group show that 79 per cent of NHS acute and mental health trusts currently recruit staff outside of NHS approved staffing frameworks. While 90 per cent of trusts have been forced to use a special clause that allows them to exceed the recently introduced agency pay caps.

RCN Chief Executive & General Secretary Janet Davies said: "The number of nurses being trained in the UK has been reduced for short-term financial reasons and remedying the root cause involves time and money.

"What these figures show is that NHS trusts are making the right short-term decisions in prioritising patient safety."

## National Living Wage comes into force

The RCN is monitoring the impact of the National Living Wage (NLW) following its introduction at the start of this month.

Some members, such as those in health care assistant (HCA) and assistant practitioner (AP) roles, are set to benefit from the NLW, which is set at £7.20 an hour for workers aged 25 and over.

"Reps should encourage HCA and AP members that aren't being paid this rate as a minimum to check with their employer and then call RCN Direct for advice," said RCN Employment Relations Adviser Brian Morton.

There are concerns employers may reduce other terms and conditions to offset the cost of meeting the NLW. Some employers have also said care services may have to close due to increased wage costs. The RCN will be monitoring what impact this has on members and the care of the most vulnerable.

## Nursing remains a shortage occupation

After a hard fought RCN campaign, government advisers have recommended that overseas nurses stay exempt from immigration rules, which would see those earning less than £35,000 after five years forced to leave the country.

The Migration Advisory Committee (MAC) last month recommended that nursing remains on the shortage occupation list (SOL) in recognition of severe shortages of nurses in the UK.

However, it stressed overseas nurses must not be used as cheap labour, undercutting the pay of home-grown staff, or be seen as a long-term solution to workforce issues.

Its report was scathing of the health sector's inability to "maintain a sufficient supply of UK nurses" and found that "the shortage of nurses is mostly down to factors which could, and should, have been anticipated".

The RCN first raised the issue of nursing being on the SOL at Congress 2015. It led to extensive media coverage and Prime



Minister David Cameron being questioned on the problem at a press conference.

RCN Director of Nursing, Policy and Practice Donna Kinnair welcomed the decision after the RCN's long fight to see nursing on the SOL.

"This is a positive and forward-thinking recommendation that will benefit patients, staff and the health service," she said.

To make sure non-EEA nurses are being used to genuinely meet staffing shortages and not undercut the pay of UK nurses, the MAC suggests employers should complete a resident labour market test.

The report revealed that Department of Health evidence suggests it will be three years before there are enough UK nurses to meet demand.

The MAC recommends limiting the number of annual places available to non-EEA nurses via the Tier 2 visa route to 5,000, with a gradual reduction in this limit over the next three years.

## Peers protect facility time

Members of the House of Lords have voted in favour of removing a clause limiting facility time for union representatives from the Trade Union Bill.

The bill is due to return to the House of Commons shortly where MPs will debate the changes made in the Lords. There are several ways that you can help influence next steps.

See pages 4 and 7 for more information on the bill.

## Change of date for reps' conference

The date of the autumn Joint Reps' Conference has been changed to avoid a clash with the Cardiff half marathon.

The event, which brings together RCN reps to discuss issues of common interest, is now due to take place from Thursday 29 September to Friday 30 September at Cardiff City Hall.

It was originally scheduled to take place a day later but has been moved to make travel easier for attendees. *Activate* will have more information on the event in upcoming issues.

## Cast your vote at RCN AGM

This year's annual general meeting will take place at 2.15pm at the SECC in Glasgow on 21 June. It is your chance to hear reports on the year's actions and vote to shape the future of the RCN. Reps are urged to attend or register to vote by proxy. Visit [www.rcn.org.uk/AGM2016](http://www.rcn.org.uk/AGM2016)

## Pension changes could leave members worse off

Activists are advised to make sure they're up to speed on state pension changes which will see some members paying increased national insurance (NI) contributions.

The new state pension was introduced on 6 April and means an end to a previous arrangement where members of the NHS pension scheme paid reduced NI contributions.

Members affected by the changes will have to pay an extra 1.4 per cent towards NI. The RCN argues this effectively wipes out the paltry one per cent pay award announced last month.

Members will be able to see if they're affected by looking at previous payslips. They will have benefitted from reduced payments if the NI contributions line has the letter D or N next to it. They won't have it if it has a letter A.

Members can check with their employer or pension provider if there is a different letter.

In light of this news, reps and members are being encouraged to get behind the RCN's *Nursing Counts* campaign in the hope of securing fairer pay for nursing staff.

RCN Head of Employment Relations Josie Irwin said: "Restraining pay while demand increases is a false economy, making it harder for the NHS to hold on to the staff it needs to deliver safe care.

"We see members coming to us on the breadline and this can't continue. The increased NI contributions mean that the pay award has been rendered null and void for many members."

Go to [www.rcn.org.uk/nursingcounts](http://www.rcn.org.uk/nursingcounts) to see how you can get involved.



## Tackling the Trade Union Bill



**Reps have a key role to play in influencing new trade union legislation, argues RCN Chief Executive Janet Davies**

Seeing the House of Lords vote to remove the clause which would allow ministers to cap facility time was a landmark moment in our battle to fight the damaging effects of the Trade Union Bill.

Workplace representation is not something the Government should fear – we know it has a positive impact on workplace conditions and improves patient care.

The RCN has been lobbying MPs, giving evidence to parliamentary committees and spreading the word about this unmitigated attack on trade unions.

The bill will now return to the House of Commons where MPs will vote on the changes made in the Lords. We need to make sure clause 13 remains out of the legislation.

You can play a really important part here, by contacting your MP, appealing for them to support the peers' amendment and making them aware of the benefits of union representation. We need you to make your feelings known.

Let's remember that this isn't just about ensuring members are supported, although that's important, it's about the positive effects union representation has on delivering quality patient care. That's all any of us want to see.

*“This is about the positive effects union representation has on quality patient care”*

Visit [www.rcn.org.uk/get-involved/tu-bill](http://www.rcn.org.uk/get-involved/tu-bill) or see page 7 for more.

## ASK AN ADVISER



### Tribunal advice



**What are the time limits for making an employment tribunal claim?**

Employment tribunal claims are subject to strict time limits that must be considered when preparing your claim. In most cases the claim must be lodged with the employment tribunal within three months (less one day) of the first act/incident, or date of dismissal.

Before lodging a claim, claimants will need to notify Acas and conciliation will be offered. The deadline for making a claim to the tribunal is extended by the amount of time spent in conciliation.

It is important to note that if there is an internal grievance or disciplinary procedure, this does not extend the time limit by which the claim must be made to a tribunal.

Employees should be wary of prolonged workplace procedures which take them outside the time limit for making a claim.

For more advice visit: <http://tinyurl.com/j5o26ra>

**You can also speak in confidence to an RCN Direct adviser any time between 8.30am and 8.30pm, 365 days per year.**

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

## View from the frontline



### Lone working

When I was a full-time community nurse in Birmingham I would find myself in situations where I felt unsafe or exposed to risk with no way of dealing with it. That feeling was echoed by lone working nurses and it inspired me to stand up and urge my employers to protect lone workers.

Many trusts are content to ask for risk assessments but these are limited in their effectiveness. You can't always guess beforehand what situation you will find yourself in as you enter someone's house.

For a while, lone working devices that had a quick release pin were in use. Once activated, they would ring straight through to a call centre and someone would call to check you were OK. But some staff found they would occasionally remove the pin by accident and stopped using them.

Eventually the investment from employers fell away and nursing staff in the community were left with just their mobiles. Yes, this can be useful and it's better than nothing, but lone working devices like those mentioned are so much more discreet for those rare occasions when you need them.

I think we should all be embracing these methods and urging employers to invest in protecting lone working staff. You never know when you might need help and support and it only takes one instance for you to regret not having it.

**RCN safety representative Mitzi Wilson, credited in the recent National Personal Safety Awards**

## LEGAL UPDATE



### Disputes between unions



This case demonstrates the tensions that can arise between trade unions.

Mr Bone is employed by North Essex Partnership NHS Foundation Trust as a registered mental health nurse. He is also an activist in the Workers of England Union (WEU).

In 2011 he lodged various employment tribunal claims against the trust, including alleging a detriment on grounds related to his trade union activities.

The tribunal accepted that local Unison officials had campaigned against Mr Bone, accusing him of having links with the British National Party, being a “crypto-fascist” and “bigot”. It also found the trust had only taken limited, informal action against the employees concerned to maintain good relations with Unison, to marginalise WEU, and for a “quiet life”.

The failure to deal with the complaints under the disciplinary procedure constituted a detriment, and the trust's purpose was unlawful.

### Court of Appeal

Although the tribunal judgment was initially overturned on appeal, the Court of Appeal upheld the original decision.

The court accepted that the trust had acted as it did (i.e. failing to investigate the complaints and protect Mr Bone from hostile acts at work) for the prescribed purpose of preventing or deterring him from taking part in the activities of WEU.

This is contrary to section 146(1) of the Trade Union and Labour Relations (Consolidation) Act 1992. In instances of inter-union hostility, employers must avoid trying to placate a dominant union by not dealing properly with complaints by a member of a minor union.

**Chris Cox**  
**RCN Director of Membership Relations**



# YOUR DEVELOPMENT

## Questioning and influencing

**An RCN toolkit aims to help reps identify workplace issues early and address them before they escalate**

Reps and officers from three RCN regions have joined forces to develop a toolkit, which includes a practical pocket guide, to help reps raise workplace concerns or problems on behalf of members.

The guide, called *Ask. Listen. Act. Questioning and Influencing to Improve Workplace Conditions*, has been launched in England and is currently being tested in Scotland, Wales and Northern Ireland.

It provides reps with reminders of the key points to think about when identifying and acting on early signs of workplace issues.

It encourages reps to consider five important things when planning a crucial conversation with management. They are: organisational change, health and safety, staff investment, engagement and culture. For each of these, the guide includes key sources of information.

“All reps in England should be receiving their copy of the pocket guide through their supervision or mentorship meetings with their RCN officer,” says Josie Irwin, RCN Head of Employment Relations.

“It can be used in preparation for meetings – either in your workplace or with your RCN officer – or during meetings to help you quickly check that you’ve covered the main points you want to address.”

### Learning workshops

To supplement the guide, workshops are being delivered in some English regions to give reps the chance to practise using the toolkit, and to help them develop their confidence and skills around questioning and influencing.

The workshops take an activity-based approach, with reps and officers working together on scenarios and using real data and situations. This allows reps to have a go at developing their skills and identify practical



### Find out more

More detailed information, including links to relevant resources, is available in the Reps Hub section of [www.rcn.org.uk](http://www.rcn.org.uk). Download the pocket guide by searching for its title at [www.rcn.org.uk/publications](http://www.rcn.org.uk/publications)

actions to take back to their workplace with officer support.

“Most reps at the workshops have said the guide is a useful resource, supporting them in their work and giving prompts on questions to ask, as well as the assurance they’re doing the right thing,” says Josie.

“Several of them also said the events were a good opportunity to network and share experiences with other reps.”

### What do reps think?

Maive Coley, a steward and learning rep, said: “The booklet is very useful when attending meetings in my workplace.” While one steward said the guide “gave me a framework for my approach and suggested questions I hadn’t thought to ask”.

At the West Midlands event, steward Sue Whitehead said: “I found working in groups with a regional officer really useful,” and added the workshop had provided “reinforcement of working collaboratively with regional officers”.

## Fighting for facility time



**As the Trade Union Bill continues its path towards becoming law Rachael McIlroy, RCN Senior Research Lead, explains the impact of the proposed legislation and how the RCN aims to amend clauses that will most affect reps**

*“The bill is an outright attack on working people”*

### How will the TU Bill change facility time?

Clauses 12 and 13 offer ministers powers to restrict facility time given to union representatives in the public sector. Clause 12 would see employers record how much facility time is taken and the cost to them.

While clause 13 would allow the Secretary of State for Health to limit the time taken by reps for union duties to a percentage of their working time or to cap the percentage of the employers’ pay bill for facility time.

### What about safety reps?

The functions of safety representatives are covered by the Health and Safety at Work Act. If the TU Bill is made law, that would change and the hours spent doing union duties would also be classed as facility time. However, the bill stipulates that employers must allow safety reps as much paid time off as is reasonable to perform their

statutory functions. If an employer chose to restrict the total amount of facility time for all reps, stewards and learning reps would be severely affected.

### What is the RCN doing to challenge the bill?

During the bill’s passage through parliament the RCN met with MPs and peers, issuing briefings at every stage. As the bill progressed to detailed scrutiny we focused on calling for the outright removal of clauses 12 and 13.

We had a huge victory in March, when the House of Lords voted to remove clause 13. We’re determined to make sure it remains out of the bill by influencing MPs ahead of amendments being debated again in the House of Commons.

### What is the RCN’s argument?

We believe the bill is an outright attack on working people and clauses 12 and 13 fundamentally and unnecessarily tamper with agreements made between trade unions and employers.

Evidence shows staff turnover in organisations with union representatives is three times lower than without them, equating to an annual saving in the NHS of at least £100 million.

When reps have adequate facility time, they’re able to have greater influence on important issues and this helps improve patient care.

### What came out of the RCN reps’ survey?

The most striking aspect of the research was the large numbers of reps undertaking RCN work in their own time. Over half of stewards and learning reps spend at least five hours a week working unpaid, and two thirds of safety reps spend at least an hour of their own time doing union business.

### What can reps do to help challenge the bill?

We’re asking reps to seek director level support for our position, and get them to sign a joint letter to the local MP setting out the benefits of facility time. You can also contact your MP directly using a special “speak out” tool on the RCN website. Visit [www.rcn.org.uk/get-involved/tu-bill](http://www.rcn.org.uk/get-involved/tu-bill) for more information.



# NOTICEBOARD

## New support service

The RCN and the RCN Foundation have launched a new service for all nurses, midwives, health care assistants and students in need. The Lamplight Support Service combines benefit advice, guidance on income maximisation, grants from the RCN Foundation Benevolent Fund, and targeted referrals to create a single point of contact.

Charlotte Daus, Lamplight Support Service Assessor, said: "We seek to provide long-term benefits, as opposed to one-off, short-term support. We're able to refer individuals for financial assistance and specialist advice, where necessary, to avoid unmanageable debt."

To make an appointment with an assessor, call 0345 772 6200. Or visit <http://tinyurl.com/hn3vkvx> to find out more.

## Revalidation feedback

The first registrants have now completed their revalidation applications with the NMC. The RCN will be scrutinising the model to assess its impact and ensure it is fit for purpose.

Activists are encouraged to contact colleagues who have undergone revalidation and ask them to share their experiences by emailing [policyandinternational@rcn.org.uk](mailto:policyandinternational@rcn.org.uk). Reps are also crucial in monitoring if staff are given enough time to complete the required amount of professional development.

## Tools of the Trade



This month's *Tools of the Trade* includes a factsheet produced by NHS Employers outlining changes to the state pension from 6 April. To view the factsheet, go to <http://tinyurl.com/jva8y3l>. You can also get more information on the implications of changes to the state pension at <http://tinyurl.com/gr7za5a>

*Health and Safety and Organising – A Guide for Reps* is produced by the TUC to encourage members to participate in workplace safety initiatives, and particularly to become safety representatives. Go to <http://tinyurl.com/zz4qnv5> to download the guide.

*The Skills System at Work - A Guide for Trade Unionists* explains the UK skills system and also examines the work and activities of trade unions in relation to it. It covers concerns about skills development and the union role in workplace skills provision. Visit <http://tinyurl.com/z5vglmc>

The County Sports Partnership Network has issued a 10-point *Manifesto for a Flexible Lunch Break*, to encourage employers to create opportunities for staff to undertake physical activity during the working day to promote health and wellbeing. Visit <http://tinyurl.com/z3h52wg>

## Reps Hub launched

The RCN website now has a special section dedicated to representatives. The Reps Hub has one-stop access to a range of publications, links and other resources to support you in your union role.

The hub was developed in partnership with reps and will continue to evolve and develop in line with feedback.



### What information can I find on the hub?

- Signposting – links to information for members relating to their employment, health and safety, or learning and development.
- Organising and campaigning – resources to support the recruitment of members and engage them in the work of the RCN.
- Supporting and representing – information to help you support and/or represent individual members.
- Questioning and influencing - practical guidance on picking up issues in your

workplace before they become major problems (see page 6).

- Case management portal.
- Reps' handbooks.
- News stories.
- UK reps committees – links to information about their work and membership.

The Reps Hub has restricted access behind a member login so make sure you have your details on hand to visit this part of the site. Go to [www.rcn.org.uk/rep](http://www.rcn.org.uk/rep)