

# Activate

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News, views and support for RCN activists



**More than 68,000 people have signed a petition calling on the Government to scrap the 1% pay cap for NHS staff to alleviate the nursing retention crisis. However, your help is needed to get even more signatures**

Enclosed in this issue of *Activate* is a poster which we need you to get on noticeboards up and down the country telling staff about the petition. Activists can help by talking to members about the pay cap and making sure that every member they know signs the petition.

The RCN has warned that unless nursing pay reflects the increase in the cost of living, trusts will struggle to attract enough staff to provide safe patient care. We need the public and politicians to understand this. "You know first-hand the impact on patients when nursing staff feel undervalued and vote with their feet. But the public can also get involved, anyone

can sign the petition," said Josie Irwin, RCN Head of Employment Relations. "We need the public's help and support to send a strong message to the Government that the 1% cap on nursing pay is detrimental to nursing staff and to patients."

The RCN needs thousands more people to get involved with the campaign. When 100,000 individuals have signed the petition, it will be considered for debate in Parliament and this is really important for our campaign, according to Josie. "We must show the Government that we mean business, and a debate is a perfect opportunity to lobby politicians and get our message out there," she said.

Visit [www.rcn.org.uk/nursingcounts](http://www.rcn.org.uk/nursingcounts) to sign the petition, download more posters and order your campaign pack. Read about the RCN response to the Autumn Statement on page 2.

## Forging our future

RCN reps from branches across Scotland took part in their annual conference, *Celebrating the Past: Forging our Future*, in Glasgow last month.

Reps spent the time reflecting on highlights of the past 20 years, as well as on the RCN's centenary, and thinking about what needs to be done to achieve similar success in the future.

The programme included discussion on partnership working following health and social care integration, workshops on building resilience, mental health and wellbeing, and working longer. Nigel Henderson, Chief Executive of Scottish mental health charity Penumbra, gave the keynote speech.

"This was another successful conference and many thanks are due to the reps who participated so enthusiastically," said Stewart Donnelly, Vice Chair of the Scottish Board.

## Government ignoring nursing workforce crisis



since 2010, with a 14% real terms cut in what they take home despite mounting demands on them and the urgent need for more staff.

The comments were made in response to the Chancellor's Autumn Statement in November.

The RCN believes that fair pay, and action to recruit and retain enough staff to deliver NHS care, is not a priority for the Government.

Janet Davies, RCN Chief Executive & General Secretary, said: "By scrapping funding for student nurse training at a time when many nurses are due to retire and there are huge uncertainties around Brexit, there is a real risk of creating a perfect storm which the profession cannot weather.

"The RCN will continue to fight for nursing staff to receive fair pay. If nursing pay doesn't reflect the value of nursing it's not only bad for nursing staff, but bad for patients too."

The RCN has said that the Westminster Government has chosen not to alleviate the current crisis in the nursing workforce, which has been building through years of pay restraint. The College added that nursing staff have endured reductions in their standard of living

## Have you added your twibbon?

The RCN has given oral evidence to the NHS Pay Review Body earlier this month. Support the *Scrap the Cap* campaign by adding a twibbon to your social media profile. A twibbon is an image you can use on your Twitter or Facebook profile picture to show your support for a campaign. It gets the word out there that the cap on nursing pay is unfair. Visit <https://twibbon.com/Support/scrap-the-cap>

## Surprise award for the RCN's longest serving rep



RCN Council Member Gordon Lees was awarded the RCN Award of Merit for his 41 years of service as a rep at a surprise presentation in November. The Award of Merit is the highest honour the RCN bestows for service.

Gordon is currently the RCN's longest serving rep, having started out as a student steward in 1975. He has a reputation for being respected by employers and colleagues, and working in partnership to get the best outcome for nursing staff, patients and the College.

Gordon, also Chair of the RCN Membership and Representation Committee, has worked on a wide range of projects, including supporting quality assurance methodology and the

introduction of new clinical models of care. He has also worked on metrics for safe staffing levels and helped staff with TUPE rules in numerous retendering processes.

Gordon said: "It has been an overwhelming experience and a proud moment for me and my family. To receive this award for the work I've done representing members and the College is a huge privilege and I value it immensely."

There was more work to do, he added. "There's still fight left in the old dog yet."

This was the first time the award had ever been presented anywhere other than at RCN Congress.

## New way to apply for funded Congress places



A new process for allocating voting places will give more members the opportunity to be funded to attend Congress.

The process, agreed by RCN Council in July following a consultation with members, aims to be inclusive, fair and transparent.

Members have been invited to express an interest in voting on behalf of their branch or first choice forum at Congress. They must complete an online form at [www.rcn.org.uk/congress](http://www.rcn.org.uk/congress). Members will be asked some simple questions and asked to provide a short statement explaining why they should be selected. Once the form is submitted, branch and forum committees will make the final decisions. "This new process will encourage more members from all backgrounds and all parts of the College to get involved with Congress. Active members can help by spreading the word and encouraging members to apply," said Chair of RCN Congress Stuart McKenzie.

Members have until 13 January to express interest. Selected members will be expected to link with their branch and forum committee members after Congress to report back and share their experience.

Congress 2017 is taking place in Liverpool on 13-17 May. Visit [www.rcn.org.uk/congress](http://www.rcn.org.uk/congress)

### Submit an agenda item

Having an item debated at Congress is a great opportunity to highlight important issues and influence the RCN's work. Suggestions for potential agenda items can be submitted by RCN boards, branches, forums or representative committee members by completing the form at [www.rcn.org.uk/congress](http://www.rcn.org.uk/congress). The closing date for submissions is 11 January.

## Hackathon

Activists got involved in the RCN's first-ever hackathon last month. Seven teams developed solutions to help nurses reduce the time spent on administrative tasks, so they can focus more on patient care. The winning team developed Personal Scribe, which allows A&E nurses to record voice-based examination notes, which are transcribed in real time. Hackathons aim to rapidly build and test ideas to address a specific issue. Teams of participants develop ideas and solutions and a winner is chosen.

## Infusion therapy

The *RCN Standards for Infusion Therapy* have been updated. Learning reps are encouraged to let members know to ensure they have up to date evidence to inform standards of nursing care for patients. The growing diversity of such therapies, care delivery and commissioning also has implications for patient care and safety. Visit [www.rcn.org.uk/publications](http://www.rcn.org.uk/publications)

## Apprenticeships must be fit for 21st century

The RCN has warned that clinical experience in a learning environment must be provided for nursing apprentices and they will need to have access to graduate-level education to gain the knowledge and skills required for 21st-century health care. However, it is positive the Government has recognised the need to increase nurse numbers, and it is important to have flexible entry into the profession.

RCN Chief Executive & General Secretary Janet Davies said: "We must be careful we do not create a two-tier system which reduces equality of opportunity. We need to attract people of all ages and from diverse backgrounds into the profession. Nursing has progressed over many years. We must be careful to learn from

the lessons of the past when student nurses were often seen as nursing on the cheap." From September next year, up to 1,000 NHS staff will be able to take up apprenticeships without having to go to university and study for a nursing degree.



## Nursing associates

The RCN has welcomed the announcement that the Nursing and Midwifery Council will oversee the professional regulation of the proposed nursing associate role but has expressed concerns about the speed of implementation of the planned curriculum. "This is such a significant change to the way care is delivered, and to career pathways, that it should not be rushed through," said Janet Davies, RCN General Secretary.

## Cheer and challenges



**This year has been an unusual mix of celebration and challenge, says Janet Davies, RCN Chief Executive & General Secretary**

This year gave us many reasons to cheer. Our centenary events were hugely successful, and many thanks to all of you for getting into the spirit and doing such amazing things to help make 2016 so memorable.

But I know that throughout the UK activists are having to grapple with many serious issues: in particular, staffing levels and the severe financial constraints that threaten patient safety and which have brought damaging cuts to training budgets. We're also seeing new roles such as nursing associates being developed too quickly. If these posts are used to substitute for registered nurses, there could be catastrophic consequences for care. So all in all it's been a demanding year and the College is genuinely appreciative of the tireless work you undertake on behalf of members.

Unfortunately it's also clear that many of this year's challenges will remain with us next year and beyond. Brexit, for example: whatever your position, we can't ignore the implications for nursing and must work hard to ensure our valuable European colleagues stay. And then there's pay – important for all nursing staff, especially as we await the findings of the NHS Pay Review Body.

So as 2017 approaches, and with it a financial climate that could be tougher still, we'll need to remain strong and be prepared for even harder battles ahead.

*“We'll need to remain strong and be prepared for even harder battles”*

## ASK AN ADVISER



### Redundancy



**In a redundancy situation, can a member have time off to look for work?**

An employer must allow an employee reasonable time off to look for work, or to make arrangements for re-training, when the employee is under notice of redundancy. This obligation relates to the formal redundancy notice period only. It applies to employees who have been with their employer continuously for two years by the date the formal notice period ends.

How much time off an employee can have depends on their individual circumstances.

The maximum the employer is obliged to pay an employee for this time is 40% of one week's pay. This means that if a member works a five-day week, they will only get paid for two days regardless of how many days they actually took off.

Members should check their contract and local policy as there could be additional provisions for paid time off. If not, members could consider taking annual leave rather than losing pay.

Read more in our redundancy guide [tiny.cc/redundancyinformation](http://tiny.cc/redundancyinformation)

**Get help with workplace problems, and more, at [www.rcn.org.uk/advice](http://www.rcn.org.uk/advice)**

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



## View from the frontline



### From both sides

Being a Care Quality Commission (CQC) inspector and simultaneously an RCN steward has been a fascinating, but sometimes challenging, experience.

I first became involved with the RCN in 2007 because recruiters weren't valuing nursing qualifications when choosing inspectors. This was just after the Francis report, and I passionately believed that inspectors needed a professional qualification and joined the College to fight for greater regulation. As a steward, I represent nurses in the CQC and, although I have less casework than my contemporaries in the NHS, my regional and national work on joint negotiating committees is highly rewarding. I focus on national issues such as workload and stress, and fight hard to make a difference to the lives of all nursing staff.

Branch meetings can, however, be challenging. As a CQC inspector I sometimes face a conflict of interest because my presence can stop other stewards and activists from speaking freely. If I hear something sensitive I can't unhear it. I have to take it forward. Sadly, this means I'm rarely able to attend branch meetings.

I strongly believe my work benefits RCN members. I aim to make regulators aware that unions exist to help and improve employee relations. All nursing staff, regardless of their discipline or location, are important and I'm proud that the RCN fights for us all.

**Sue Slaughter, RCN steward**

## LEGAL UPDATE



### Unfair dismissal



What happens if an employer appoints a senior manager to investigate an employee's (alleged) poor performance, and that investigator is deliberately misled by the employee's line manager (for an unlawful reason), resulting in the employee's subsequent dismissal? Is that unfair?

In *Royal Mail Group Ltd v Jhuti (2016)* a probationary whistleblower was pressurised by her manager to withdraw her concerns and was then bullied by him, resulting in her ill-health and subsequent dismissal on capability grounds.

The tribunal held that despite the "evasive and disingenuous" evidence of the line manager, the dismissal was not unfair. This was because the senior manager genuinely believed the dismissal was due to the employee's poor performance, and not because of a whistleblowing disclosure.

Their judgment reflected the case law on discrimination which holds that, for the employer to be guilty, the actual decision-maker must have acted for an unlawful (discriminatory) reason. It is not enough that she was misled by another manager, whose motivation was unlawful.

### Appeal

However, the Employment Appeal Tribunal decided that, in the whistleblowing context, the employer did act unfairly in this case. The judge held: "A decision of a person made in ignorance of the true facts whose decision is manipulated by someone in a managerial position responsible for an employee, who is in possession of the true facts, can be attributable to the employer of both of them."

The judgment means there is now an unfortunate divergence between unfair dismissal law and discrimination law in relation to this issue.

**Chris Cox**  
RCN Director of Membership Relations

## Your roles, your union, your future

**A new consultation, set to launch in the new year, will seek views from reps on the work the RCN must undertake to become a model progressive union**

Reps are proud of their role and what they achieve in the workplace. They have every reason to be. They are the most visible face of the RCN and recent research has shown that more than anything, members want to see a point of contact in their workplaces.

Reps bring unparalleled benefits to the working lives of members which in turn has an impact on the quality and safety of patient care.

In many ways the RCN is already at the leading edge of change and innovation. We continue to grow in membership, which bucks the trend across most UK unions. We provide a powerful voice for members and the employment relations teams influence at national, regional and local levels to ensure nursing staff have the right working conditions to deliver high quality patient care. But we cannot afford to sit back. Reps have already indicated there is much more work to be done.

### Responding to your needs

“Reps have described some simple things that we could do to demonstrate value, like the way we communicate with them and share information, a consistency in the support they receive and giving them the resources they need to enable them to get their job done,” says Chris Cox, RCN Director of Membership Relations and the lead for a major new five-year project which it is hoped will transform the work and daily lives of RCN reps.

Chris adds: “I’m committed to working collaboratively with the UK representative committee chairs to improve the working lives of our members so they can deliver the best possible care to patients. To do this I know we need to invest in growing vibrant visible teams of learning reps, safety reps and stewards.”

Look out for the consultation on the draft framework and be ready to feed back your views. Whatever activist role you have, this is about you, your roles, your union and your future.



### Celebrating your work

Nicki Parry, End of Life Care Facilitator at Royal Trinity Hospice, says the learning and development she received before becoming a learning rep has helped her to continue to explore the possible needs of staff in the hospice and care homes in her area. “It’s given me the means and confidence to use my skills as a teacher and helped to boost my enthusiasm for education and my commitment to quality end of life care,” she says.

Like any new role, it’s what you make it, Nicki believes. “I’ve worked with the local steward to update our terms of reference. We meet regularly with the human resources department; in-patient manager and community manager. I hold drop-in sessions for any staff wanting to study and I keep a record of bursaries available for those who need it. I also help members with revalidation. Would I recommend this role to other people? Without a doubt.”

**It’s essential that we review, support and celebrate the role of reps because you are essential to members’ working lives and the success of the RCN.**

## Presidential priorities



### Newly re-elected RCN President Cecilia Anim is looking forward to working with you to promote the RCN message

Cecilia, a sexual health nurse from North London, says she is deeply honoured to have been chosen to serve a second term as RCN President. “I’m looking forward to continuing to work with you to defend nursing. Together we can shape the future of the profession so that patients get the best possible care,” she says.

But the severity of the challenges facing RCN members right now means that your support is more important than ever, Cecilia believes. “We need to get the message to grassroots members about what the College is doing to address their concerns and find ways to get members involved and engaged in the workplace. I also want to ensure reps are given the support they need to support members.”

#### Positives

Looking back on her last two years as President, Cecilia says there have been so many positives. “The best bit has been working with members,”

*“I want to encourage everyone to get even more involved”*

she says. “When I visit workplaces I listen to what matters most to them. I want to make sure members are working within RCN protocols so they can thrive in a nurturing environment and provide safe patient care.”

But like any role, being RCN President comes with challenges too. “The worst thing is not being able to meet members’ expectations on factors beyond our control, despite our best efforts,” she says. It’s an issue she thinks many *Activate* readers will be familiar with.

#### Looking forward

With two more years ahead of her as RCN President, Cecilia is ready to put her presidential priorities into action. But she’s also keen for other active members to get more involved in the College. “You already make a real difference by helping us to get our messages across to other members. But I want to encourage everyone to get even more involved. Please look out for upcoming elections and appointment opportunities because I hope to see more of you putting yourselves forward for other positions in the RCN,” she says.

#### Cecilia’s to do list

- Defend fair pay and members’ terms and conditions of service.
- Fight for a better deal for students.
- Promote the needs of entrants to the profession and the need for continuing professional development.
- Campaign against frontline cuts that compromise staff wellbeing and morale and patient safety.
- Engage with members in their place of work, to reflect their concerns to the RCN.
- Network with key stakeholders in the voluntary and independent sectors to promote the interests of nurses and patients in the NHS and independent sectors.

#### Did you know?

Cecilia has been an RCN member for 40 years, a steward for 20 years and a safety rep for 19 years.



# NOTICEBOARD

## Paperlight working

The RCN has introduced a new system to help stewards manage most of their case activity electronically. The use of “paperlight” working means there is no longer a need to print and maintain paper case records. The electronic record will be the permanent case record.

Where case documents are received from employers and members in paper form, stewards are asked to add a reference to this within the case activities section of the electronic case record. There is information on managing paper documents in the revised case management manual.

“When you next meet with your supervisor, make sure you discuss the new ways of working so you can be certain you’re working efficiently and utilising the full benefits of the case management system,” said Jonathan Bowker, RCN Member Representation and Support Programme Lead.

## Case categories

From January, there will be two case category lists on the case management system. The primary list will be an updated version of the current case category list with new categories added. The secondary list will let you categorise cases where there is a discrimination element. This will make it easier for the RCN to gather data on this issue.

Visit [tiny.cc/rcnrepshub](http://tiny.cc/rcnrepshub)

## Tools of the trade



The Government has published a green paper on disability and employment, which proposes reform of the work capability assessment. You have until 17 February to respond to the consultation. Visit [tiny.cc/disabilityconsultation](http://tiny.cc/disabilityconsultation)

The UK has regulations through which employees and their representatives can require employers to provide information and consult on important issues, like jobs and work organisation. *Using Information and Consultation Rights – A Union Rep’s Guide* provides a step-by-step guide for reps, explaining possible pitfalls on the way. Visit [tiny.cc/consultationrights](http://tiny.cc/consultationrights)

The British Medical Association and the Association of Lesbian, Gay, Bisexual and Transgender (LGBT) Doctors and Dentists commissioned the Labour Research Department to survey current attitudes towards LGBT doctors and medical students in the workplace or place of study. Read the report at [tiny.cc/lgbtdocsurvey](http://tiny.cc/lgbtdocsurvey)

Almost half of line managers would welcome basic training in common mental health conditions, according to a survey report by Business in the Community. Read more at [tiny.cc/mentalhealth2016](http://tiny.cc/mentalhealth2016)

## Nominate your rep of the year

It’s easier than ever to nominate someone for this year’s RCN representatives of the year awards.

If you know an RCN rep who has gone that extra mile to make a real difference to members in the workplace, you can nominate them for an award by writing just a few sentences to suggest why they should be considered.

The awards are given to accredited RCN reps who have made a difference in their workplace and shown outstanding commitment to the RCN and its members.

Those who are selected to receive an award will be invited to attend an awards ceremony at RCN



Congress. The prize for each award winner is £500, while commendees receive £250. The deadline for submissions is 28 February. Visit [tiny.cc/rcnrepoftheyear](http://tiny.cc/rcnrepoftheyear)

## No change for mileage rates

Following the latest review of fuel prices, NHS mileage rates will not change. The current 56 pence and 20 pence rates outlined in section 17.12 of the Agenda for Change contract will remain in place.

Rates can change if there is an increase or decrease by 5% in costs. The November review has confirmed that costs have not changed by this margin in the last 12 months.



NHS mileage rates are reviewed twice a year. The November review looks at the costs of fuel alone. The June review looks at the total cost of motoring including fuel.

The NHS in Wales uses the HMRC Approved Mileage Allowance Payment (AMAP) system and is unaffected by Agenda for Change reviews.