

Activate

Vol 10 No 9 May 2016

News, views and support for RCN activists



Trade Union Act passed

RCN campaigning has secured key amendments to facility time clauses in the controversial new law

Following extensive RCN lobbying, the Trade Union Act received Royal Assent this month with a major Government concession on proposals to impose a cap on facility time.

Ministers had originally planned to include a clause that would allow them to restrict the time representatives spend on union duties.

However, a concerted effort by the RCN saw them soften their approach, with the imposition of the cap delayed for two years and trade unions given a chance to explain levels of facility time deemed “unreasonable”.

The RCN argued that union representation has a positive impact on workplace conditions and improves patient care. It cited compelling evidence that workplaces with union

representation have three times lower staff turnover, equating to a £100 million annual saving for the NHS. But while concessions on facility time are good news for patients, the RCN believes the new law is still a worrying attack on the rights of staff.

RCN Chief Executive & General Secretary Janet Davies said: “Thanks to the efforts of RCN members the act we have now is a marked improvement on the original bill. However, it remains an unnecessary and counterproductive piece of legislation which ignores the positive work carried out by trade unions, and the benefits of this work on patient care.

“Facility time enables employers and representatives to work in partnership, improve learning support and influence crucial issues such as safe staffing levels.”

The RCN will be monitoring the introduction of the act and lobbying against any threats it presents to patient care.

Gabriella's story

"The annual increase in rent and utility bills is forcing me to make tough decisions about my children's future. As costs have risen, my salary as a health visitor has not kept up. I don't know how much longer I can survive as a single parent.

"I'm constantly worried about how I will put food on the table. I would love to take my children to swimming lessons, or encourage them to learn an instrument, but classes like this are simply out of reach.

"It's heartbreaking to see their upbringing affected in this way, but while I am a nurse I cannot see this changing. All I wish for is a wage that gives my children an equal start in life."

www.rcn.org.uk/nursingcounts/your-stories



Strength in numbers will help deliver pay message



Nursing staff have told the RCN they are facing increasingly difficult financial decisions. The impact of pay restraint is becoming harder to deal with as costs continue to rise.

"It's more important than ever to get the message across that unfair nursing pay is unacceptable," said Faith Thornhill, RCN steward at University College London Hospitals NHS Foundation Trust. "Members have been uneasy about their pay for years, but haven't been able to pinpoint their concerns. But by networking and getting the message out there that pay is being cut in real terms, we can get members ready to fight."

RCN Head of Employment Relations Josie Irwin said representatives need to encourage members to speak out now. "We're in this for the long haul, the Government is not going to change pay policy overnight. Harnessing the strength of more than 400,000 members is the key to a successful pay campaign. We want to hear the voice of nursing raised to a level that's impossible to ignore."

Visit www.rcn.org.uk/nursingcounts

To do list for representatives

1. Order *Nursing Counts* campaign postcards. Hand them out at staff or community meetings. You can also include them in staff newsletters or post them in staff pigeon holes.
2. Put up a campaign poster in your place of work, your local shop, village hall or library.
3. Email your MP from the RCN website to show your opposition to the plan to cut student bursaries.
4. Share what you've done on your social media accounts and add a banner to your profile picture.
5. Tell the RCN about how years of pay restraint has had an impact on you, for use in the media.
6. Encourage your colleagues to speak out and do the same.

Tackling the bullying taboo

The impact of bullying allegations will be hotly debated at next month's RCN Congress as members consider ways to prevent this common workplace issue.

"This is still a taboo subject," said Ali Upton from the RCN UK Safety Representatives Committee who proposed the debate. "Whether you've been bullied or been accused of bullying, we need to bring the issue into the open to find ways of preventing it. No-one should be frightened of going to work."

Ali wants members to consider the topic from all angles and says representatives will be aware that the impact of a false allegation can be as severe as being the subject of bullying behaviour. "Nurse managers can find themselves accused of bullying when they try to address inappropriate behaviour," she said. "While they may look at ways to support and develop staff, rather than going straight to

the disciplinary route, this can also be perceived as bullying behaviour."

The bullying allegations matter for discussion is just one of many issues of interest to representatives at this year's event. A packed events programme and a celebration of the RCN's centenary will run alongside stimulating debating sessions.

This year's RCN Congress takes place in Glasgow between 18 and 22 June. You can submit an emergency agenda item up until the end of Congress. Visit www.rcn.org.uk/congress



Spread the word about 'high risk' funding proposals

Representatives are encouraged to raise awareness of, and respond to, a government consultation on student nurse funding in England.

The RCN is surveying members with the aim of working with the Government to create a fair, effective and sustainable funding system for nursing education. Members' views will inform the RCN response to the Government's consultation, due by 30 June.

Representatives can help raise awareness of it by putting up posters and using an RCN factsheet to hold discussions with colleagues. Download materials from www.rcn.org.uk/studentbursaries



Share pictures of any discussions you hold, or ways in which you use the materials, on social media [@theRCN](https://twitter.com/theRCN) or via digital@rcn.org.uk

Join lobby of parliament

RCN members will join a lobby of Westminster on 25 May. Student committee member Francesca Elner is encouraging other representatives to attend. "Lobbying works, but we need people on the ground," she said. "We need members making eloquent, well-reasoned arguments if we want to make a difference."

The RCN believes the current proposals are "high risk" and should be halted immediately, until a suitable model of funding is agreed upon. The College is concerned about the impact of the proposals on the future education and supply of nurses.

Grassroots campaigners have organised a demonstration in London on 4 June, which the RCN will also be supporting.

Visit www.nus.org.uk/nhsbursaries

Job evaluation

Representatives should encourage employers to take advantage of national training offered as part of NHS job evaluation. "The last survey about local practices showed a worrying lack of staff involvement but the system is underpinned by a commitment to partnership working," said Nicola Lee, RCN Employment Relations Adviser. "Organisations expose themselves to equal pay risks if they don't undertake job evaluation adequately and facilitate staff side participation." Visit <http://tiny.cc/jobeval> for information on training in England. Representatives elsewhere should contact their employer or discuss provision in partnership forum or Joint Negotiation and Consultation Committee meetings.

Rise in violence

New figures show that violence against NHS staff has risen by a quarter in six years to an average of 186 attacks a day. Kim Sunley, RCN Senior Employment Relations Adviser, said: "No-one should be assaulted or intimidated whilst going about their daily work. The figures are alarming and yet more evidence of the overwhelming pressures on the NHS." Download the *RCN Healthy Workplace, Healthy You* toolkit from www.rcn.org.uk/healthyworkplace

Unfair suspensions

The RCN's member support services have taken a number of calls this year from members who have been suspended while their applications for visa extensions are processed by the Home Office.

As long as applications are sent before the expiry date on their visa, members should be allowed to continue working.

RCN Senior Immigration Adviser and Solicitor Sophia Barrett said: "If members can prove they've applied to extend their visa before it expires – for example sending the application by recorded delivery – there's no reason why they should be suspended. It's important representatives are aware of this issue as a quick conversation with

an employer should normally be enough to nip it in the bud.

"If the problem persists, they should direct members to the RCN's immigration advice service for further assistance."



Activate app

Have you downloaded the *Activate* app yet? *Activate* is also available for smartphone and tablet as an interactive magazine via the new, free RCN *Activate* app. Search for and download it now on iPhone and Android devices.

Strengthening the RCN



Have your say on proposed changes to the way the College is run, urges Chair of Council Michael Brown

In response to the review of RCN Council, more than 10,000 members said changes had to be made to make the College stronger. They told us Council must have a real grip on what the RCN is doing and subscriptions must be spent to best effect.

I couldn't agree more. We've listened and proposed alterations that I hope will make the voice of nursing even stronger.

Council needs to be smaller and more strategic and delegate work to committees made up of directly elected members.

Making Council more like a decision-making board rather than a representative body is a big change, but a necessary one. As a member-led organisation, this will help us become more open and transparent, and make Council more accountable. I want to see stronger member leadership; more member engagement; and robust, timely, more transparent and better informed decision-making by Council and its committees.

Activists are at the heart of the RCN and we need to know what you think about these proposals. Complete the online feedback form, make sure it's on the agenda at your board, branch, forum and committee meetings and join the discussion at our upcoming AGM. My Council colleagues and I will listen to you before we decide exactly how we implement the findings of the review group.

"These changes will help us become more open and transparent"

Read more on page 7

ASK AN ADVISER



Social media



How do I use social media responsibly?

Social networking sites are public, regardless of your privacy settings. Once something is published online it can be copied and redistributed. Consider your social media associations. Other people could mention you in inappropriate posts and liking someone else's post could suggest that you endorse their point of view.

Read your employer's social media policies. Employees who post negative comments about their employer or work colleagues on social networking sites could be opening themselves up to disciplinary action if those comments come to the attention of their employer.

Think about what you have posted online in the past and how that relates to the Nursing and Midwifery Council (NMC) Code. If, as a registrant, you are aware that another nurse or midwife has used social media in an inappropriate way, refer to NMC guidance on raising concerns. Read the NMC's social networking guidance too. While recognising the benefits of social media, it sets out how the Code can be applied to its use. Visit <http://tiny.cc/NMCsocialmedia>

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
0345 772 6100

View from the frontline



Reaching out on revalidation

Just the mention of NMC revalidation can make some members panic, so I've made it my business to help. Some people are surprised at this as I'm not a registered nurse, but I have relevant experience.

I was involved when the NHS Knowledge and Skills Framework was introduced and this made me very aware of the importance of keeping a portfolio. And having had to keep evidence of my work for my foundation degree and completing the RCN's steward development modules, I understand the worry that some people experience when they wonder where on earth they're going to start.

I've read up on the NMC requirements, gathered all the paperwork I've used and posted it on a noticeboard for my colleagues to see. I recommend using electronic and paper documents so that if you're called to submit evidence, they can be sent at the touch of a button. I'm not saying that my way is the only way you can prepare your portfolio but it's there as an option – with a guide for local members to follow if they think it looks helpful.

Most people have half of what they need already – it's just a case of sourcing it. My advice going forward is to jot things down as you go along – especially if you get positive feedback as you'll want to include this in your portfolio. I'm here if people want to talk. Getting information out there is a great way of promoting the importance of revalidation and also the further support available from the RCN.

Kevin Morley
RCN steward and assistant practitioner

LEGAL UPDATE



Changing employment contracts



Given the costs of staffing and significant financial pressures, it is inevitable that some employers will seek to cut existing terms and conditions of service.

Where a member's individual contract of employment incorporates collectively negotiated terms and conditions, such as Agenda for Change in the NHS, it is critical that RCN representatives are alert to the dangers of local attempts to chip away at these agreements.

There is generally nothing in principle to stop an employer from offering new recruits (including on promotion), new, different contracts of employment. Further, where there is scope within the contract for staff side negotiations to make changes to some terms and conditions, members may be surprised, without proper consultation, to discover detrimental changes to their contracts.

Legally, there are some restrictions on employers offering incentives to individual employees to move away from collectively negotiated agreements.

The golden rules

1. Contact your local RCN office immediately if an employer is proposing to make changes to contracts of employment.
2. Talking with an employer is not the same as agreeing to the changes proposed, but ensure that the employer understands the distinction.
3. Don't simply refuse to discuss issues at all, as this may damage future claims under the statutory consultation provisions, such as on a genuine business reorganisation or in a redundancy situation.
4. Unilateral changes to contracts of employment are generally unlawful, but members shouldn't delay in registering their opposition to such changes.
5. Ensure members are kept up to date on proposed changes and the negotiating process.

Chris Cox
RCN Director of Membership Relations

YOUR DEVELOPMENT

Practice makes perfect

The RCN's support for representatives has been transformed in response to member feedback

“Being a representative is a practical activity so getting the balance between theoretical knowledge and skills is essential,” says Terry Gammell, an RCN steward who has recently completed the RCN's learning and development foundation programme.

Many representatives agree. Respondents to a recent review said the RCN's training for representatives needed to include more practical learning to help them develop the confidence to deal with difficult issues in the workplace.

Improvements

The training curriculum now includes activities recommended by the RCN's UK representative committees. “Representatives will now have a chance to have a go at things like supporting members to write statements and contributing to their workplace health and safety committee. It's a great way to develop skills and build confidence while learning in a safe environment,” says Sue Antrobus, who leads on the RCN's representative learning and development in England.

Representatives complete a self-assessment and action plan at each stage of their training with support from their supervisor. This helps them be active from the time they are accredited by identifying and addressing areas of concern straight away and accessing improved practical support.

This continues beyond accreditation and can be individually tailored to their needs, based



on conversations with their officer, where they will identify the practical areas where they need the most help. “We wanted to give representatives more time to have a go at the things they're most likely to be doing, right from the foundation module. As well as helping new representatives, we hope this will also have a knock-on benefit for experienced activists who will be able to rely on new representatives much earlier,” adds Sue.

Complex and challenging

There's no doubt it can be challenging being an RCN representative. They support members who are often facing a difficult time in their working lives. It's a wonderful role but it can be emotional, complex and very hard work – especially if they don't have a lot of relevant experience.

Sue says that ensuring representatives are equipped to do their RCN work is a priority. “We need to help representatives feel confident to take action to ensure members receive fair treatment. We know reps want to help in every way they can, but dealing with large organisations or peoples' emotions, can be a really daunting task,” she says.

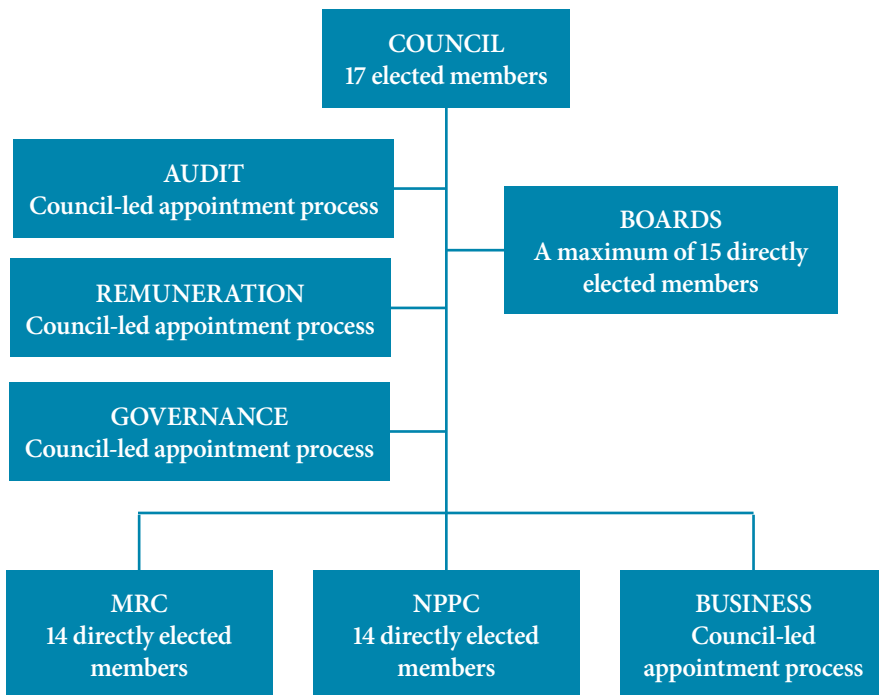
For more information, visit www.rcn.org.uk/rep

What representatives wanted:

- More shadowing and support when taking on cases.
- Help to challenge on behalf of members when responding to consultations.
- Help to work in partnership with the branch.
- A chance to build practical skills and get more workplace experience.

“Don't practice until you get it right. Practice until you can't get it wrong.”
Unknown.

The case for change



Chair of RCN Council Michael Brown answers your Council Review questions

Why now?

The role and structure of RCN Council has remained unchanged for almost 40 years. We need to update the way the RCN is run; supporting our roles as a membership organisation, a trade union and a royal college.

What did members say needs to change?

The review was carried out by an independent group. You said the governance structure is key to demonstrating how we meet both our royal college and trade union responsibilities. The RCN must continue to be member-led but you would like Council to look and act more like a decision-making board rather than a representative body. You said the current governance structure is too large and unwieldy with too many committees.

What are the main proposed changes?

- More members will be directly elected to serve on Council and the two key Council committees.
- Council will be smaller and more strategic.
- Work will be delegated to Council committees.
- Committees will be strengthened by ensuring

they have the right membership able to fulfil their roles. They will also be held to account for the work they do.

- The committees will decide what committees or groups they need to help them deliver their agendas and involve as many members as possible in their work.
- There will be a stronger decision-making and reporting structure for the RCN Group (the RCN, The RCN Publishing Company and RCN Law).
- Seventeen members will be directly elected to Council and 14 members will be directly elected to the Membership and Representation Committee (MRC) and Nursing Practice and Policy Committee (NPPC).

How will this help?

I hope to see more members getting involved and taking on leadership roles. I also hope to see Council and its committees working better – decisions will be faster and more transparent, and better informed.

How will making Council smaller improve member engagement?

Council will remain the decision-making body of the organisation – unlike many other similar organisations that have set up a small decision-making board in addition to its representative council.

We are increasing the number of members involved in our governance structure by having members elect the 28 members of NPPC and MRC in addition to the 17 members of Council.

What will members vote on at the AGM?

Members will be asked to vote on an amendment to the standing orders to provide for RCN Council to be composed of 17 members, including one member per country and region, one student member, one health practitioner member, the President, Deputy President and Chair of Congress. It's an important decision for the RCN and we want as many members as possible to be part of making that decision so please vote in person or by proxy at www.ersvotes.com/rcnagm16 if you are unable to attend the AGM.



NOTICEBOARD

EU referendum – get informed



The RCN as an organisation is not taking a formal position on the upcoming EU referendum.

It will instead be providing information on how members can take part in the referendum and giving them opportunities to hear from both sides of the debate.

A factual guide for members on the impact of the EU on nursing in the UK has also been produced.

RCN Senior International Adviser Susan Williams said: “While responsibility for the organisation, delivery or financing of health services remains with national and local authorities, and is specifically excluded from the EU’s remit, in practice many initiatives related to other EU policy areas do have an impact on health service delivery in the UK.”

Areas where EU policy and legislation have had an impact on nursing which are likely to be of interest to RCN reps include employment rights, nurse education, and health and safety at work. Trade deals the EU is involved in, such as TTIP, can also have knock-on effects for health care in the UK.

Find out more by downloading *The Impact of the European Union on Nursing in the UK – a factual guide* at <http://tinyurl.com/hy6r57u>

Tools of the Trade



The Health and Safety Executive has set out its priority themes for health and safety at work for the next five years. There are six strategic themes: acting together, tackling ill health, managing risk well, supporting small employers, keeping pace with change, and sharing success. Read *Helping Great Britain Work Well* at www.hse.gov.uk/strategy/strategy-document.htm

NHS Employers has called on the new London Mayor Sadiq Khan to commit to work with London’s NHS employers and Transport for

London to look at the possibility of reducing transport costs for key NHS staff. They also called for key worker housing to be provided and for new housing developments to be prioritised for NHS workers. A new poster shows how transport and housing costs in London have risen in relation to average NHS salaries. Visit <http://tiny.cc/londonlife>

Have you seen the poster available from NHS Employers outlining the current Agenda for Change pay scales? Visit <http://tiny.cc/payscales> to download a copy.

Book your place at this year’s AGM

Activists are encouraged to attend and vote in this year’s RCN annual general meeting (AGM). “By coming along, you’ll have a chance to hear about the RCN’s activities over the past year, ask questions about the annual report and financial statements, discuss the Council Review findings, vote on a number of proposed changes to the standing orders, and raise matters of a professional interest,” said Cecilia Anim, RCN President.

The AGM provides an important opportunity to see how your subscriptions are being spent and to help shape the College’s future agenda. This

year’s meeting will be held at 2.15pm on Tuesday 21 June at the SECC in Glasgow.

If you are not able to attend you can watch the webcast live, submit questions to governance.support@rcn.org.uk and vote by proxy at www.ersvotes.com/rcnagm16 before 2.15pm on Tuesday 14 June. You will need your RCN membership number and postcode to cast a proxy vote. Proxy votes will be counted in the event that a poll is called in accordance with Standing Order 17. The AGM agenda is available at www.rcn.org.uk/AGM2016

RCN starts talks on clinical references

Representatives have reported there are a number of independent sector employers unwilling to provide clinical references or comment about members’ clinical skills and attributes.

Employers are not under any obligation to give references, but without them, nursing staff may face difficulties getting another job. This could result in claims of discrimination and a breach of the employers’ duty of care.

Some employers justify their position in a general policy statement but employers should consider that they are duty-bound to give references in good faith, taking reasonable care

to ensure they are true, accurate, fair and not misleading.

“A good health and social care employer has a professional responsibility to give full and honest references to support standards of care, which includes detail of both character and clinical skills,” said Clare Jacobs, RCN Employment Relations Adviser. “We will be discussing this with national employers with whom we have recognition agreements.”

