

# Activate

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**News, views and support for RCN activists**



## **Nursing pay gap must be addressed**

**Continuing to apply the 1% cap to pay awards for NHS staff is not tenable, the RCN and other unions have told the NHS Pay Review Body**

RCN evidence shows that earnings of nursing staff working in the NHS have dropped by nearly 14% against the cost of living since 2011 and health care support workers have lost over 9% in their earnings. Along with the other NHS trade unions the RCN is calling on the NHS Pay Review Body to recommend the 2017 pay award starts to close the gap.

The RCN is also calling for a return to UK-wide pay rates using existing Scotland pay scales as the basis for all staff in the UK and for the NHS to be a Living Wage employer throughout the UK.

“Staff in Northern Ireland have lost the most. But inflation affects staff wherever they live in the UK,” said Josie Irwin, RCN Head of Employment Relations. “Public sector pay restraint has damaged both the morale and finances of NHS staff. Leading commentators like the Nuffield Trust back our argument that the 1% cap on NHS pay awards is unsustainable and that pay levels are a major challenge to recruitment and retention.”

The RCN has submitted separate detailed evidence about the shortage of nurses in the UK and is seeking fully funded recruitment and retention premiums to help address the issue. The RCN has argued the case for joined-up strategic planning, in the absence of a government workforce strategy. “Our calls for proper workforce planning have gone unheeded for far too long,” added Josie.

## Rep recruitment

Members can now tell the RCN they're interested in becoming a rep using a form available at [www.rcn.org.uk/become-a-rep](http://www.rcn.org.uk/become-a-rep).

Developed as a result of feedback from members visiting the rep stand at Congress earlier this year, it's hoped the form will make it easier for activists to encourage members to become reps.

When members visit the website they'll be given information about the roles of learning reps, safety reps and stewards, and will be able to view short films of reps talking about their role.

The new form will complement existing rep recruitment materials and offer an alternative to writing on the *Proud* publication form. To download this leaflet, search for publication code 004651 at [www.rcn.org.uk/publications](http://www.rcn.org.uk/publications)

## Vote for your next RCN president



Activists are encouraged to vote, and encourage other members to vote, in RCN elections taking place this autumn.

Cecilia Anim and Mike Travis are standing for election to the prestigious role of RCN President. The successful candidate will represent the RCN and the nursing profession across the worldwide health community. Voting closes on 16 November and the results will be announced on 18 November. The term of office is for two years beginning 1 January 2017 and ending on 31 December 2018. Look out for your voting papers and more information in the October issue of *RCN Bulletin*.

Meanwhile, Rod Thomson has been re-elected unopposed to the role of Deputy President. Rod, who is Director of Public Health for Shropshire, has been an active member of the RCN for almost 30 years, first helping to set up the professional forum for health visitors and more recently in the role of Vice Chair then Chair of Congress.

He's keen to use his position to help progress the national nursing agenda. "I have opportunities to influence that the average ward sister might not get so I feel a sense of responsibility to represent members' views and speak on their behalf," he said.

## Reps' committees

Voting has opened in the elections for the three UK representative committees. The terms of office begin on 1 January 2017 and end on 31 December 2020. Find out more about these elections and others, including board elections, at [www.rcn.org.uk/elections](http://www.rcn.org.uk/elections)

## Remembering a 'dedicated and passionate' steward

Andy Shum, Chair of the Inner South West London Branch and longstanding RCN steward, died on 21 August, aged 47, following a short illness.

Andy was a regular attendee at Congress where he spoke passionately from the platform about nursing issues affecting his fellow members.

RCN London Regional Director Bernell Bussue said: "Andy was a committed and energetic advocate for nursing and the RCN. He gave much of his time helping us to organise our local



activities, starting as a student nurse and then subsequently in his branch and right across London.

"Above all Andy was a compassionate and decent human being, a first class nurse, and he was a really good person to have involved. Everyone who knew Andy will miss him a great deal."

Writing on Facebook, Pat Leung said: "His RCN family will miss his dedication and his very great humour. Gone too soon. A lovely, dedicated and passionate NHS nurse and representative."

Activist Pat Yiggon added: "We the RCN Inner South West London branch members are honoured and blessed to have known Andy."

Andy's family praised the care that he was given while in hospital and have conveyed their thanks to all his friends and colleagues who worked with and supported Andy during his nursing career and during his illness.

A donations page has been set up in Andy's memory raising funds for the British Red Cross Society. <https://www.justgiving.com/fundraising/AndyShum>

## Portal upgrade set to help stewards manage cases



Improvements to the stewards' portal will be introduced at the end of this month.

"We hope these changes will make things easier for stewards," said Jonathan Bowker, RCN Member Representation and Support Programme Lead. "However, if you're still struggling to use the system, support is available from your supervisor or through the events the case management team are putting on across the countries."

This upgrade is part of a series of improvements to the stewards' portal.

## Centenary pens



Reps who weren't able to claim their commemorative centenary pen at either the joint representatives' conference or Congress, can still request one via the reps area of the RCN website. The engraved, boxed pen is an exclusive gift for RCN reps and will be available until the end of the year. Visit [www.rcn.org.uk/reps](http://www.rcn.org.uk/reps)

## What are the main changes?

- A bar across the top of your screen will show you how long you have left before the system times out.
- A to Zs will be renamed enquiries. You will be able to store a maximum of three entries on a record.
- You will be able to add and remove members, and change the lead member.
- There'll be a wider variety of case activities for you to enter case details against. You'll be able to sort these activities and order them to navigate round large cases more easily.
- There will be improved email functionality. You'll be able to choose which emails to upload and sift out unwanted attachments.
- When composing an email a predictive function will provide an address.
- A contacts section will be introduced, which you can edit.
- Improved filters will ensure that if you enter an invalid detail by mistake, it will be rejected.

## Scotland reps' conference

Reps and student information officers in Scotland can now book their free place at this year's Scotland reps' conference. The programme is designed to equip reps to meet the challenges thrown up by radical changes in the way health and social care services are being delivered now and in the future. *Celebrating The Past, Forging Our Future: Refining Our Skills For a Changing Landscape* takes place on 8 and 9 November in Glasgow. Visit <http://tiny.cc/Scotconf>

## Billy's success

RCN Steward Billy Nichols has been named in the *Western Mail's* Pinc List, which celebrates 40 LGBT (lesbian, gay, bisexual and transgender) men and women who are making a difference in Wales.

Billy is chair of the LGBT staff network at Betsi Cadwaladr University Health Board, and set up an LGBT forum, Celtic Pride, to challenge homophobia in a non-aggressive, educated way.

"We know that people perform their jobs better when they can be themselves, so what we are trying to achieve with Celtic Pride is to foster toleration and acceptance without exception," Billy said.

He believes the establishment of the forum has had a positive impact. "Celtic Pride and the work we do is providing a visible message of acceptance to our LGBT patients and service users," he added.



Stonewall Cymru has named Betsi Cadwaladr University Health Board as its most improved employer.

Read more about the Pinc list at <http://tiny.cc/pinclist>

## Diversity film

A film has been launched that explains the Workforce Race Equality Standard (WRES) in England. It also describes the benefits of a diverse NHS workforce and includes 10 questions for reps to raise at partnership meetings. Visit <https://youtu.be/G44C9yn-oo0>

## Valuing reps



**The RCN is looking at ways to spotlight the work of our reps, says Chris Cox, Director of Membership Relations**

We know how valuable reps are to members, patients and their health care in all settings. For many members reps are the first port of call when they need help and the most visible face of the RCN. But the number of our reps is declining.

The RCN is making a renewed commitment to our community of reps and will work with the UK representative committees to stem this decline, to celebrate the work of reps and once again to increase their numbers.

To do this, we must be a model progressive union in how we support reps. Our aim is to continue to grow vibrant, visible teams of reps and increase the understanding about rep roles and the potential they have to make a positive impact.

We've made significant progress in our support over the past few years, not least in providing first class training and development, alongside a sophisticated case management system and IT equipment – the envy of many unions. But we know that in some areas we could do better. We will work with the UK representative committees and delegates at this month's joint representatives' conference to find out if there's more we can do – or if there are things we could do differently – to recruit new reps and retain, support and value those that we already have.

We know there's a wealth of good practice in place already and we want to hear about it.

*“The RCN is making a renewed commitment to our community of reps”*

## ASK AN ADVISER



### Brexit implications



**As a European Economic Area (EEA) national, should I take any action following the Brexit vote?**

There are no immediate implications for you arising from the leave vote. You're still entitled to live in the UK if you are a “qualified person”, or a family member of a “qualified person”. A “qualified person” is a job seeker, worker/self-employed person, self-sufficient person or student.

Although you don't have to do anything now, our advice is that you protect your status while the law is still in place for you to do so. If you've been in the UK for less than five years as a qualified person, you can apply for a registration certificate. If you've been in the UK for more than five years as a qualified person, you can apply for a permanent resident card.

The RCN is working with other UK health organisations to seek guarantees from the Government that EEA nationals in the health and social care sector currently working in the UK will be allowed to continue to do so.

Read the RCN Brexit advice guide at <https://www.rcn.org.uk/get-help/rcn-advice/brexit-implications>

**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



### Securing job evaluation

In 2004, partnership working between unions and the NHS reached its peak. Driven by successful equal pay claims, a job evaluation scheme was agreed upon and jobs were banded using a consistent and transparent set of agreed criteria. This system has stood firm against challenges and staff have continuously used it to fight for an appropriate rate of pay for their work.

I confess to having read the handbook twice on its release date but fast-forward 12 years and many reps who developed their expertise are nearing retirement. Some trusts continue to work well locally while others have opted (sometimes without staff side approval) for external providers with variable results. We are getting used to cries of “downgrading”, in which job descriptions are manipulated as a cost-saving exercise but content remains. We need to work to preserve the scheme.

The Job Evaluation Group of the NHS Staff Council has acknowledged this danger and agrees the scheme is worth fighting for. They have renewed recruitment of national trainers and provided low cost training to restore capacity, as well as developing training to ensure consistency.

When I retire I want to make sure my trust continues to stick to the handbook definitions even when pressures to compromise arise. We need newer reps to appreciate the importance of this scheme and ensure it's preserved. Ask about getting involved.

Phil Noyes, RCN UK Stewards Committee

## LEGAL UPDATE



### Contracting out



In a generally welcomed move, the last Labour Government extended the protection of the Transfer of Undertakings (Protection of Employment) Regulations 2006 – usually known as TUPE – to contracting out situations.

This could apply where the provider of a service, following a tendering exercise, awards a contract to a contractor. Or, following a re-tender, a service is brought back in-house or given to another new contractor.

This is known as a “service provision change” (SPC), in which “activities” cease to be carried out by the outgoing provider, and are carried out instead by another person.

In *Arch Initiatives v Greater Manchester West Mental Health NHS Foundation Trust (2016)*, the trust provided services to Bolton Council, through its drug and alcohol directorate.

After a re-tendering exercise, those services were split and awarded to two different firms. Arch was awarded the case management function, but didn't take on the employees of the trust who had been performing those services as it disputed that TUPE applied.

The Employment Tribunal found there had been a service provision change and as Arch refused to take on the employees, they had been automatically unfairly dismissed. Arch appealed this decision.

#### Claims upheld

The Employment Appeal Tribunal rejected Arch's appeal. The SPC regime was not to be strictly interpreted so as to require all relevant activities carried out by the former provider to be carried out by one new provider.

An SPC can apply when a service is divided between multiple new providers for functional reasons. This is helpful.

Joanne Galbraith-Marten  
RCN Principal Legal Officer

## Your long-term financial future may be at risk

**When Anne Wells opted out of the NHS pension scheme back in 1985, she had no idea what a big impact it would have on her long-term financial security.**

Anne made her decision because, as a single parent, she needed to buy her children new school shoes. Now, more than 30 years on, it's one she regrets wholeheartedly.

"Life aged 60 and planning for the future were completely alien to me, so I, like lots of my colleagues, stopped paying into my NHS pension and took out what I'd already built up as a lump sum," she says. "Until recently the long-term consequences of my decision never once crossed my mind."

Last month Anne, a senior workplace representative and staff side chair, visited a pensions website to calculate what she was entitled to when she retired. She was shocked by what she saw. "Any thoughts I'd had about retirement were immediately put on hold – indefinitely," she says.

Rather ironically, Anne is now challenging her current employer – East and North Hertfordshire NHS Trust – which is offering band 5 and 6 nurses a 12% pay increase to opt out of the NHS pension scheme.

"I know, more than most, how important a secure pension is, and that's why I'm concerned by my trust's decision to make this offer," she explains.

Although Anne understands that something must be done soon to fill more than 170 band 5 posts that are currently vacant in the trust, she believes the current proposal is not the way forward. "Inviting nursing staff to play Russian roulette with their financial future is simply not the solution. Working well into old age, for a short-term boost in your salary, is not a price worth paying," she warns.

### Serious consequences

The RCN believes the trust's proposal could put nurses into poverty when they retire and lead to an even greater reliance on state support. In addition, there are potentially serious



*Anne Wells is campaigning against proposed pension changes*

*"Inviting staff to play Russian roulette with their financial future is not the solution"*

consequences for the long-term viability of the NHS Pension Scheme.

Janet Davies, RCN Chief Executive & General Secretary, said: "This ill-thought-out move asks people to neglect their future and will stop them from making retirement plans. The solution is simple: pay nurses enough."

The RCN has written to the trust management stating our opposition, and to members working in the trust.

Anne concludes: "Opting out of the NHS pension is my biggest regret. Do not make the same mistake. Always seek independent financial advice, or speak to RCN Direct if you're not sure what to do."

### Get active

Let's get this offer withdrawn. Visit <https://www.rcn.org.uk/nursingcounts/nhs-pensions-offer> to download a campaign factsheet and posters.

For information on pensions and retirement visit <http://tiny.cc/rcnpensionsandretirement>

## Zero tolerance



### RCN diversity lead Wendy Irwin advises on how to tackle hate crime

#### What is hate crime?

Hate crime can be targeted at entire groups of people on the basis of their race, ethnicity or national origin, faith, sexuality, gender, disability or gender identity. All too often such incidents are not reported to the appropriate authorities or seen as just a part of life.

#### Why's this important now?

There's been a worrying spike in the number of hate incidents since the European Union referendum result was announced. Police services have reported a 57% increase in online hate crime across England, Wales and Northern Ireland.

#### What's the RCN's position?

We believe it's essential for everyone to stand up to hatred by knowing what to do when they encounter it or by supporting those who experience it. There's no room for hatred in the UK today. It serves only to undermine the strength of communities and increase fear and isolation.

#### What happens?

Hate incidents can take many forms including verbal abuse, insulting gestures, offensive messages as well as physical assault and damage to property. Hate incidents don't simply cause harm to the victims, they serve to create fear and distress to entire communities. They may prevent individuals from accessing services and close down avenues for social interaction.

#### What protection is there in the NHS?

The public sector equality duty requires organisations to have due regard for the need to promote good relations and eliminate unlawful discrimination and harassment.

#### How can you be proactive?

- Ensure your organisation has a clear and up-to-date procedure for identifying and recording hate incidents.
- Check that support is readily available to any member of staff who requires it.
- Encourage all members of staff to be aware and ready to report any incidents.
- Check that existing policies include the term nationality or national origin. Remember some staff may not recognise themselves as belonging to a distinct ethnic group.

#### How can I help members?

Support them in making a formal complaint to the relevant authorities and advise them that they can access the free and confidential RCN counselling service ([www.rcn.org.uk/counselling](http://www.rcn.org.uk/counselling)).

#### How can I help patients?

Your organisation may already have details of third party reporting centres. These are considered to be safe, neutral locations where people can report hate crime or hate incidents without having to contact the police directly. Anybody can use this facility.

#### Can staff side committees help?

Yes. Find out what actions are taken by employers as a result of reports being made and ensure all employees are aware of the importance of reporting incidents. Consider issuing a joint statement confirming a zero-tolerance approach to hate incidents.

# NOTICEBOARD

## Welsh priorities

In Wales the RCN has launched its latest set of campaign priorities for the new Welsh Government at the Senedd. “This campaign gives us the chance to tell Assembly Members that nurses need support to deliver a high standard of care, and emphasise nursing as a priority for the next Welsh Government,” said RCN steward, Kate Parry, who attended the event. Find out more about *Leading Nursing, Shaping Care* at [www.rcn.org.uk/wales](http://www.rcn.org.uk/wales)

## Living up to our values

RCN members are invited to participate in a webinar to help inform our future approach to College investments.

The webinar will help you understand why the RCN has investments and how we currently balance our investment objectives with our values as an organisation.

Panel members, including Michael Brown, RCN Chair of Council and Janet Davies, RCN Chief Executive & General Secretary, will discuss the RCN’s investments and then answer members’ questions. On the day a number of polls will help ascertain which issues members feel are important for us to address in our investment principles.

The *Our Investments – Living Up To Our Values* webinar will take place on 18 October at 12.30pm. Find out more at <http://tiny.cc/ourvalues>

## Tools of the Trade



New guidance documents relating to sex discrimination in the workplace are now available from Acas. They cover direct and indirect discrimination, and dealing with harassment and victimisation. Visit <http://tiny.cc/sexdiscrim>

The Labour Research Department has published its annual guide to health and safety law. *Health and Safety Law 2016* is an essential tool for reps to use in their negotiations with employers. Visit <http://tiny.cc/healthlaw2016>

A report by Arthritis Research UK describes the impact of musculoskeletal conditions

on the UK workforce. It considers current health and work policy and programmes, the health and work research agenda and relevant employment legislation. For more information visit <http://tiny.cc/arthritis>

A new factsheet outlines changes to employing migrants in relation to the new Immigration Act 2016. For more information visit <http://tiny.cc/immigrationfacts>

The NHS European Office has compiled FAQs in relation to the Brexit vote. For more information visit <http://tiny.cc/brexitfaq>

## Win a place at the centenary conference

There’s already 25% off the member price for the RCN’s international centenary conference for reps, but now all activists have the chance to win a free place.

Simply let people know about the conference on social media with a tweet, a picture on Instagram or a Facebook post, using the hashtag **#rcnicc16**. A winner will be chosen at random on 9 October.

The free place will include a two-day ticket, worth £270. Transport and accommodation must be funded by the winner.

The conference is a unique international nursing event which will reflect on the past 100 years of nursing and help plan for the next 100, while celebrating the RCN’s centenary.



Health care leaders from around the world will deliver keynote speeches. The conference takes place on 22 and 23 November in London. Visit [www.rcn.org.uk/iccreps](http://www.rcn.org.uk/iccreps)

## Keynote speakers

- **Phumzile Mlambo-Ngcuka**  
UN Under Secretary-General and Executive Director of UN Women
- **Maureen Bisognano**  
President Emerita and Senior Fellow, Institute for Health Care Improvement
- **James Campbell**  
Director, Health Workforce, World Health Organization
- **Dr Frances Hughes**  
CEO, International Council of Nurses
- **Dr Susan Hamer**  
Director of Nursing, Learning and Organisational Development, NIHR Clinical Research Network (NIHR CRN)
- **Matt King OBE**  
Patient advocate