

Activate

Vol 11 No 9 May 2017

News, views and support for RCN activists



Time to be heard

The RCN's 50th Congress gets underway on 13 May and it couldn't come at a more exciting time. With the results of the RCN pay poll on industrial action due and a general election on the horizon, the College needs to hear the opinions of its members more than ever

"Passion is running high for members who want to see change," says Chair of Congress Stuart McKenzie. "That 3,000 of us will be together to discuss what's happening right now is an opportunity not to be missed."

Additionally, members not in the debating hall will be able to take part in two matters for discussion. For the first time Congress will be opened up to members on Twitter, and Vice Chair of Congress BJ Waltho will be watching the #RCN17 feed to pass on your contributions.

"We know it can sometimes be difficult to attend Congress," says BJ. "Using Twitter will allow members from different locations to share their views too."

To take part in the discussions members should keep an eye on the RCN Twitter feed for items 4. Mandatory Training and 14. Emergency Departments and then post their comments using #RCN17. Members not on Twitter can read the RCN guide *Getting started on Twitter* which is free to download from www.rcn.org.uk/publications

The full Congress programme can be found at www.rcn.org.uk/congress

Congress 2017, 13-17 May, Liverpool Arena and Convention Centre

Up to date?

It's crucial that the RCN has up-to-date, accurate information about its members.

Activists can help by reminding members to keep information on their home address, email address, telephone number, workplace and employer up to date.

RCN Head of Member Administration Simon Hiscocks says: "Don't let your invitations to participate in votes, surveys and money saving offers sit unopened in forgotten inboxes or on someone else's doormat. We often share information that can make your working life easier. Don't miss out on the membership benefits you deserve."

Members should visit www.rcn.org.uk/myrcn or contact the RCN's membership team on **0345 7726 100** to amend their details.

Remember the value of reps



Public sector employers have started collecting and reporting how much facility time is taken by stewards, safety representatives and learning representatives carrying out their union roles.

New provisions under the Trade Union Act 2016 will allow the Secretary of State to limit facility time. From April 2020, "reserve powers" can be used if costs to the employer exceed a specific percentage of their pay budget.

The RCN issued a strong response to the introduction of the new rules and is now challenging the reporting requirements, arguing the thresholds for reporting the amount of time used are too broad.

According to RCN Senior Employment Relations Adviser Gerry O'Dwyer, the Government may hope the publication of the figures could prompt employers to reduce the amount of facility time

used in their workplace. "It's possible that if there's not a voluntary reduction the 'reserve powers' may be invoked," he warned.

The RCN is urging reps to remind employers of the benefits of facility time. "This isn't union time, it's actually time spent supporting staff and employers through employment, safety and learning issues in their workplaces," added Gerry.

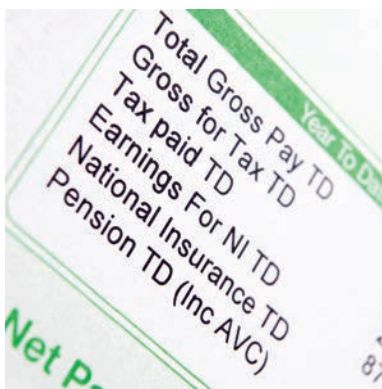
The RCN will continue to challenge any attempt to arbitrarily reduce facility time in the workplace.

Download *The Value of Trade Union Workplace Representatives in Health Care* from www.rcn.org.uk/publications

What information will be recorded?

- The number of union officials (reps) and the total number of staff.
- The percentage of time spent on facility time by each rep.
- The percentage of the pay bill spent on facility time.
- The number of hours spent on facility time.

What is IR35?



New arrangements have come into force that require public sector bodies to assess the employment position of contractors working for them.

IR35 will identify where self-employed contractors, who benefit from tax and national insurance (NI) arrangements, are in effect working as employees

within the public sector. In these cases, tax and national insurance will now be deducted at source.

Currently many self-employed staff are paid without being taxed and are responsible for paying HMRC for the correct tax and NI over the financial year.

If someone is now deemed to be covered by IR35, they can dispute this assessment with the public sector body making the decision or HMRC.

They will need to provide evidence that their relationship with the public sector body is one where a "contract for services" exists rather than, as in the case of an employee situation, where a "contract of service" is in place.

Reps should be aware that a self-employed nurse who has agreed to work for an NHS body at a specific date and time, and then declines to do so without reasonable notice because of the impact of the new arrangements, runs the risk of being stopped from working for that organisation again.

More information on IR35 is available at <http://tiny.cc/ir35>

Visit www.gov.uk/working-for-yourself for more information on tests for self-employment.

Protecting staff in NHS mental health



Attacks on NHS staff working in mental health are increasing. Of more than 70,000 reported assaults in 2015/16, 46,107 were from mental health settings – an increase of around 1,000 from the previous year.

Collaboration between the NHS and the police is essential when dealing with such assaults. In England, the RCN has been working alongside both organisations to develop a shared approach.

RCN Senior Employment Relations Officer Kim Sunley said: “This partnership agreement provides a consistent and effective approach for the NHS and police when managing risk and investigating assaults against NHS staff. Mental ill health should not be a barrier to investigation.

“The primary approach must be prevention and the management of foreseeable risk. However, where an incident does occur, de-escalation should be attempted, with physical interventions used as a last resort to manage high-risk situations.”

RCN safety representatives and stewards working in mental health in England, should familiarise themselves with the protocol, check that their organisation is implementing the recommendations and that members are aware of the importance of reporting all incidents.

National partnership protocol for managing risk and investigating crime in mental health settings is available at <https://tinyurl.com/mpgrssd>

Presidents' leadership honoured



Former RCN presidents Margaret Sparshott and Lucy Duff Grant have been honoured with plaques at the hospital where they worked for nearly half a century.

The pair steered nursing in Manchester between 1907 and 1955, serving as successive matrons at the Manchester Royal Infirmary. They were also principal matrons of the Manchester based military hospitals which cared for a quarter of a million casualties.

Dame Betty Kershaw, former president of the RCN and RCN History of Nursing Society member, said: “We are delighted to pay tribute to these extraordinary figures of Manchester nursing history. Their service spanned two world wars and another era when nursing was a very different profession.

“As nurses we can only hope that we do justice to their legacy and follow in their footsteps; serving the people of Manchester and beyond.”

AGM

Don't forget to come along to this year's RCN annual general meeting (AGM). It's an opportunity to find out about the organisation's achievements and performance in 2016 and ask Council questions. Submit questions in advance to governance.support@rcn.org.uk

AGM, 2.30pm, Tuesday 16 May 2017, ACC Liverpool.
Live streaming at www.rcn.org.uk/agm

End-of-life play

Bounce Back Boy, the true story of a boy's journey through terminal illness, will be performed at this year's Mona Grey lecture. In it, Lynn Cawley shares her experiences fighting for her son Josh to be given the quality of life he deserved, despite his complex needs. www.rcn.org.uk/congress

Recognising advanced practice

Following a successful pilot, a new RCN credentialing programme recognising education, experience and competence of nurses working at an advanced level of practice has been launched.

To gain a credential in advanced practice, nurses must demonstrate their eligibility to a group of expert assessors and successful nurses will be included on a publically accessible directory. Opportunities to become RCN ambassadors for advanced practice exist alongside a dedicated annual CPD event. www.rcn.org.uk/credentialing

Show who we are



Let's make people listen, says Stuart McKenzie, RCN Chair of Congress

I drove to Harrogate all the way from Aberdeen in my little red Fiesta for my first Congress in 1998. And when I got there I was just bowled over by the scale of the event and the passion of delegates. As a first year nursing student I couldn't imagine ever being able to get up to the lectern with anything of value to add.

Fast-forward a few years and here I am in 2017 – my 10th consecutive Congress on the Agenda Committee – and I'm really looking forward to being back in Liverpool, with an exciting few days ahead. I think the debate around nursing associates will be informative and I'm personally looking forward to the item on cycle helmets. But even as I write this I'm sure that many of you are already penning emergency items. It's the ones that come in late or from the floor that I really enjoy hearing.

Congress is our opportunity to show the rest of the world who and what we are. With a general election just around the corner, what better time is there to debate with passion and determination our pay, terms and conditions while also taking the time to discuss the fundamentals of care provision to our most vulnerable patients? As nursing staff we should welcome debate and challenge. It's what keeps us sharp and encourages reflection. If we can ask tough questions in a respectful way of ourselves then we should have no problems asking tough questions of others.

www.rcn.org.uk/congress

"We should welcome debate and challenge"

ASK AN ADVISER



Right for recovery?



Can I go on holiday while on sick leave?

Holidaying while on sick leave isn't a black and white issue. The most important thing to do is reach an agreement with the employer as early as possible. This will mean that everyone is clear what is acceptable and there are no nasty surprises awaiting the employee's return.

There are good reasons for an employee to be allowed to take a trip when on sick leave and it's important to consider all the contributing factors. These include:

- the reason for the sickness
- whether a GP has recommended such a trip for recuperation or convalescence
- whether the holiday had been pre-booked and paid for.

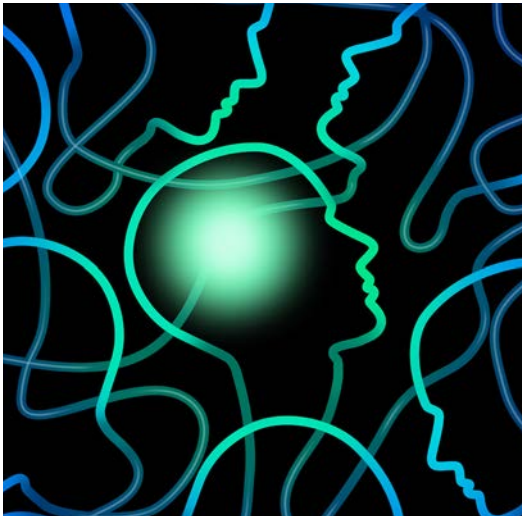
Each case will need to be looked at for its individual circumstances, with both sides taking a reasonable view. Without permission from their employer, the employee could face disciplinary action and/or a deduction of sick pay.

Further information is available online at www.rcn.org.uk/get-help

For more information, 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



Making a case for mental health

I'm proud to be chair of the RCN Mental Health Forum. With nearly 14,000 members, our aim is to develop and influence practice and policy, both within the RCN and the wider health care environment. We want to be an effective voice for mental health nursing in volatile times.

Currently we're focusing on the disparity in life expectancy for those experiencing severe mental illnesses, and developing the role of the nurse, especially given the recent high-profile media attention on mental health issues.

Congress is a great place for us to share our forum's work with other members. We need to be more vocal, and where there's an opportunity to influence the agenda and shape the debate we will certainly try our best. At Congress last year, we learned of the planned closure of the nursing department at the Department of Health. We quickly prepared an emergency agenda item to challenge this plan, and it was unanimously carried.

This year we will be speaking on a variety of subjects, supporting a couple of resolutions, holding two events for members and launching a new social media campaign – watch Twitter for details (@RCNMHForum). In the next year I want to see ring-fenced funding for mental health services; much of the promised increases in spending are being appropriated elsewhere, and that's simply unacceptable.

Ed Freshwater
Chair, RCN Mental Health Forum

LEGAL UPDATE



The importance of dates



When it comes to termination of employment, following the correct process of notification is essential to ensure that the exact day employment ends is known. The date is critical in statutory employment claims and for calculating time limits for employment tribunals.

If notification is not properly carried out, there can be far reaching consequences. In *Newcastle upon Tyne NHS Foundation Trust v Haywood* (2017), the issue was important for a contract claim in the civil courts.

The claimant was due to be made redundant just before her 50th birthday, on 20 July 2011. However, if she was still in employment on her birthday, she qualified for an enhanced pension. The trust sent a dismissal letter dated 21 April, giving her 12 weeks' notice of redundancy on 15 July 2011, five days before she turned 50.

The trust knew that she was on holiday abroad at the time, and consequently no one received the recorded delivery letter. Her father collected it from Post Office on 26 April, left it at the claimant's home, where she read it on 27 April.

The question was, when was notice actually given? When the letter was posted, reached her home or was read? If the notice was given on either the date of sending or the date of arrival at her house, she wouldn't have been employed on her 50th birthday. If it was the date she actually read the letter, then she just qualified for the higher pension. Determining the exact moment she received notice became critical to establishing what pension she was entitled to.

The Court of Appeal decided notice is given when the employee actually receives it. This is similar to the position on the date of notice of termination for statutory purposes, particularly when dismissed summarily. That is, it takes effect when the employee actually reads it, in the absence of anything express in the contract.

Chris Cox
RCN Director of Membership Relations

Elect a commitment to care

While using your vote may be the most important action to take in an election, the RCN needs the help of activists to lobby party candidates and encourage other members to get involved

The RCN manifesto: *Nursing Counts* details the commitments nursing needs from our politicians. Under the headings of *improve patient care*; *value nursing*; and *invest in health and social care*, the document highlights some of nursing's most pressing issues.

For most members there will be no surprises in the calls it makes. But how can activists make sure the message hits home with their local candidates?

The RCN has produced a toolkit to help you and the members you work with make the most of the manifesto. Here's just some of the ways you can maximise your impact.

1. **Register to vote:** www.gov.uk/register-to-vote
And encourage others to by 22 May
2. **Contact your local candidates**
They'll be confirmed on 11 May. Share the manifesto with them and ask them to support it. Tell them your experience of nursing too; it's much easier to relate to an individual.
3. **Answer the door!**
When candidates canvass on your doorstep, take the opportunity to question them about their commitment to our manifesto
4. **Attend events**
Head to local hustings with a copy of the manifesto and keep those questions coming
5. **Be social media savvy**
Use #nursingcounts to show your support. Follow your local candidates on Twitter and ask them to support it too
6. **Encourage everyone else to do the same**
Download a poster and put it in your workplace. Talk to family and friends about the manifesto and why the commitments are important.

See the toolkit in full and download a poster at www.rcn.org.uk/nursingcounts

Improve
Value
Invest



*“Maximise
your impact”*

The RCN manifesto: Nursing Counts

1. **Improve patient care**
 - Safe and effective staffing
 - Access to specialist nursing services
 - Regulation of healthcare support workers
2. **Value nursing**
 - Fair pay
 - Guaranteed right to remain for EU nursing staff
 - Prevent downbanding and substitution
3. **Invest in health and social care**
 - Investment in services
 - Put quality of care at the heart of health and care services
 - Protect and grow the workforce

Read the manifesto in detail at www.rcn.org.uk/nursingcounts

Part-time work, full-time commitments

Juggling the demands of working and commuting with looking after dependants is no easy feat. Emma Wilkinson outlines how the RCN can help

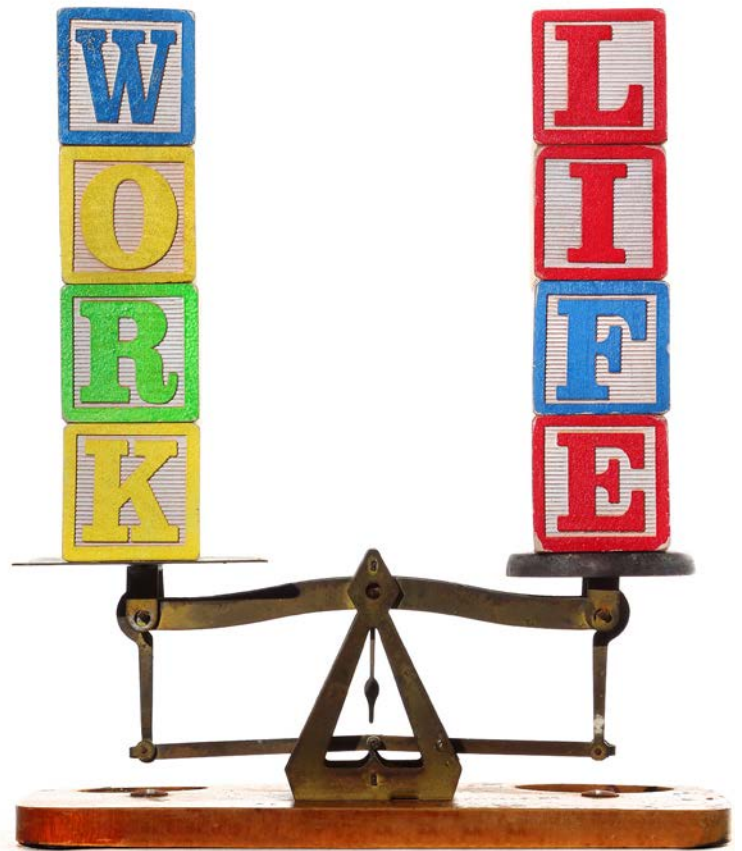
For members working part-time hours, managing their money while paying for childcare and other essential living costs can be difficult. But reps should remember the RCN Welfare Service can provide practical assistance.

“We think creatively about how a member’s situation could be improved,” says RCN Welfare Adviser Ian King. “It could be a conversation about whether they might be better off in terms of tax credits and childcare costs by changing the hours they work.

“Often members may be facing difficult decisions about their employment because they’re struggling to maintain a work-life balance, for example juggling the demands of being a single parent with working full-time hours and paying for childcare,” he explains.

This can lead to periods of stress-related sickness absence. But the RCN Welfare Service can work jointly with reps to support members in appraising their options and providing clear advice on what it might mean financially if they made some changes.

“We can also discuss income and expenditure – for example if there are ways they can reduce spending, such as car costs,” he adds.



“We think creatively about a situation”

What support is available?

The RCN Welfare Service can help with:

- understanding or challenging a welfare benefit or tax credit decision
- debt advice
- looking at whether someone would be better off by working fewer hours.

Bill’s story

When Bill* got divorced last year he was over the moon that he had secured joint custody of his two children.

Six months ago he moved from the NHS to the private sector to work closer to his children’s school, but was finding the expectations of the new job interfered considerably with his childcare obligations.

As a result, he was often late to collect the children, which was causing friction with his ex-wife and unsettling the children.

Bill was at a loss. He felt he needed to work full-time so that he could pay his mortgage, legal fees and support his children but

this, and the short-notice extra hours he was expected to work, left him feeling exhausted, anxious and guilty.

His rep advised Bill to seek advice from the RCN Welfare Service to find possible solutions.

After discussing his options, Bill realised he was able to claim tax credits for his children, which could also help pay for childcare after school. The reduced financial pressure meant he could cut his hours to a more manageable three shifts a week.

The Welfare Service also helped Bill sign-up to a debt management plan that reduced his monthly payments.

**The member’s name has been changed.*

NOTICEBOARD

Shape the future



The RCN is inviting members to put themselves forward for election to two new committees which will shape the College's future trade union and professional work.

As a member of the RCN Trade Union Committee, you'll work to ensure the RCN becomes a model trade union, shaping the UK's future nursing workforce and making a positive difference to your colleagues' working lives. Successful candidates will have a passion for activism and experience in employment relations, negotiating and campaigning.

The RCN Professional Nursing Committee will strengthen the professional side of the RCN, developing policy and promoting best practice. It will ensure the RCN remains the recognised voice of nursing locally, nationally and globally.

Candidates will need a good understanding of the challenges facing nursing, knowledge of nursing issues and education, and an awareness of nursing research and its application.

Nominations for both committees open on Saturday 13 May.
Find more information at www.rcn.org.uk/elections

Tools of the trade



A review of state pension age has found that employers and the Government should do more to help carers in the workplace and make use of older workers as apprenticeship mentors. Download *Smoothing the Transition* from <http://tiny.cc/smoothingthetransition>

A new TUC publication explains weekly hours' limits and night working limits; and rights to breaks, rest periods and paid holiday. Download *Working Time, Breaks and Holidays* from <http://tiny.cc/holsandbreaks>

A revised Chartered Institute of Personnel and Development factsheet outlines the need for

organisations to align their culture, leadership and people management to support wellbeing at work. Visit www.cipd.co.uk/knowledge/culture/well-being/factsheet

Two new toolkits aim to help organisations embed suicide prevention strategies into their health and wellbeing policies, and provide guidance for employers in the event of the suicide of an employee. Published by Business in the Community, read *Reducing the Risk of Suicide* at <http://tiny.cc/reducingtherisk> and *Crisis Management in the Event of a Suicide* at <http://tiny.cc/postvention>

NMC education standards review

The Nursing and Midwifery Council (NMC) is consulting on changes to the framework and educational standards for nursing students. The consultation will shape the future of nurse training across the UK.

The NMC has considered a range of issues including mentorship, the governance of practice placements, assessment, practice hours and the use of simulation.

It's anticipated that the final set of requirements will be published by early 2018, and that they will be adopted from the 2018/2019 academic year.

Members are encouraged to have their say at a series of workshops, organised by the RCN, which will take place from June onwards. Attendance will count towards your revalidation portfolio. Find out more and register your interest at www.rcn.org.uk/education-workshops

Lesbian nurses must be remembered too

The RCN Library and Heritage Centre is set to host an exhibition that focuses on diversity in nursing. Activists are asked to urge members to contribute their stories and anything that might be useful to the exhibition.

"The RCN is committed to being a world class champion of diversity, equality and human rights in the health and social care sector, but at the moment our collections don't reflect the experiences of BME or LGBT nursing staff, or those with disabilities," said



Sarah Chaney, RCN Audience Engagement Manager.

"Lesbian stories are practically invisible in the RCN's collections, and we know this doesn't reflect members' experiences, so we would love to hear from this group of members in particular," added Sarah.

Find out more about how members can donate anything relating to their personal story and nursing experiences to the *Hidden in Plain Sight* exhibition at www.rcn.org.uk/library/collections/diversity-collecting