

Briefing: Industrial Action Strike Ballot

October 2022

With a membership of close to half a million registered nurses, midwives, health visitors, nursing students, health care assistants and nurse cadets, the Royal College of Nursing (RCN) is the voice of nursing across the UK and the largest professional body and trade union of nursing staff in the world. RCN members work in a variety of hospital and community settings across health and social care.

On the 6 October 2022 the Royal College of Nursing launched a ballot of members on NHS Agenda for Change pay.

Background

1. On 19 July 2022, the previous Secretary of State for Health and Social Care, Steve Barclay MP issued a written statement confirming the UK Government would be accepting the recommendations of the NHS Pay Review Body (NHSPRB) report in full¹. The parameters for the NHSPRB are set by the Secretary of State².
2. The pay award is a real-terms pay cut given that the Retail Price Index (RPI) inflation currently stands at 12.3%³. It is the Royal College of Nursing (RCN) position that there should be a fully funded pay rise of 5% above inflation. This is to counter years of wage stagnation and the cost-of-living crisis. With household energy bills set to reach an average of £4,200 by 2023⁴, and many nurses currently concerned about turning on their heating and relying upon food banks, the NHSPRB award is another real-terms pay cut.
3. On 9 August 2022 the RCN announced that it would be balloting its members in England and Wales over NHS pay. A ballot in Scotland was subsequently announced on 12 August 2022. The Northern Ireland ballot was announced on 25 August 2022. Originally, the ballots were to open in September and close in October, however following the death of Her Majesty the Queen, this was postponed until the 6 October 2022.
4. The ballot has been called by RCN members in response to the latest NHS Agenda for Change pay award. We had asked for a fully funded pay rise of 5% above inflation, which is currently 12.3%. In England, the UK Government announced a much lower pay award of £1,400 for all NHS pay bands, enhanced for the top of Band 6 and band 7 so their pay award becomes 4%.
5. This comes at a time when the number of people leaving the Nursing & Midwifery Council (NMC) register is increasing with an increase of 25% over last year in nurses leaving the NHS in England, which is 7,000 more than the previous year⁵ and in the past year 40,365 NHS nurses in England left active service (from the NHS)⁶.
6. Common factors for leaving include too much pressure, negative workplace culture, and retirement. The number of nurses on the register aged 56 and above has increased by 4.2% to a total of 161,055 – meaning one in five on the register are 56 or above and almost one in 10

¹ [Written statement: DHSC Update](#), (2022), UK Parliament

² [NHS Pay Review Body remit letter: 2022 to 2023](#) (2021), UK Government

³ [Consumer price inflation tables - Office for National Statistics](#) (2022) ONS

⁴ <https://www.cornwall-insight.com/price-cap-forecasts-for-january-rise-to-over-4200-as-wholesale-prices-surge-again-and-ofgem-revises-cap-methodology/> (2022) Cornwall Insight

⁵ <https://www.kingsfund.org.uk/blog/2022/10/nhs-nursing-workforce> (2022) Kingsfund

⁶ [Peak leaving? A spotlight on nurse leaver rates in the UK | The Nuffield Trust](#) (2022) The Nuffield Trust

are over 60 and therefore approaching retirement age⁷. The UK Government and devolved administrations need to be attracting people to work in nursing and crucially, retaining experienced people with deep expertise in the profession.

7. Burn out and low morale is the reality for many of our members, and this is having a direct impact of their ability to provide the patient care. A recent RCN survey of over 20,000 nurses found that 83% said there wasn't enough nursing staff to meet all patient needs safely and effectively on their last shift, with just a quarter of shifts having the planned number of registered nurses.⁸
8. The current NHS Agenda for Change pay offer is exacerbating an already grave situation facing the nursing profession and the safety of patient care in England.
9. The pay offer for Scotland is a pay increase of 5% for all employees, except those on Band 1 who have been offered 5.3% and those on Band 2 Point 1 have been offered 5.05%. RCN members in Scotland rejected the offer in a consultative ballot.
10. Nursing staff in Northern Ireland have yet to receive a formal pay offer for 2022/23 due to the absence of a functioning Northern Ireland Executive.
11. The NHS PRB's recommendations also cover Wales. The Welsh Government announced the pay award in Wales (the same as in England), £1400 for all NHS pay bands, except those at the top of Band 6 or Band 7 who will get a pay rise of 4%.

The RCN ballot

12. The ballot is open from Thursday 6 October to 12 noon on Wednesday 2 November 2022. RCN members working in the NHS and HSC (in Northern Ireland) on Agenda for Change contracts are being balloted on whether to take strike action.
13. Approximately 300,000 RCN members across the United Kingdom are eligible and have been sent a postal ballot in accordance with the law. The ballot is being overseen by Civica, the independent scrutineer, and ballots will need to be returned to them by 12 noon on Wednesday 2 November 2022.
14. Only following the industrial action strike ballot, and if the necessary thresholds have been met, can the call to take industrial action be made by the RCN General Secretary and Chief Executive in accordance with the RCN Code of Practice on Industrial Action.
15. There are specific legal requirements for the ballot and thresholds that need to be met before industrial action can be taken. In England, at least 50% of all members at each individual NHS Employer eligible to vote must vote in the ballot. In addition, if the majority of members are engaged in important public services, then 40% of all members eligible to vote at each individual NHS Employer must vote in favour of industrial action

Taking possible industrial action

⁷ [Registration data reports - The Nursing and Midwifery Council \(nmc.org.uk\)](#) (March 2022)

⁸ [Nursing Under Unsustainable Pressure: Staffing for Safe and Effective Care](#) (2022), RCN

16. The RCN is recommending its members vote to take industrial action. This is an unprecedented decision by the RCN which has never staged industrial action in Great Britain in the 106-year history of the College, underlining the severity of the crisis facing our members.
17. We consider this to be a measure of last resort.
18. Industrial action is permissible under The Code by the Nursing and Midwifery Council (NMC)⁹. The NMC further states that during industrial action, employers of health and care services have “an important role to play in planning and preparing for how people’s individual needs can be responded to and their continuity of care maintained¹⁰.” We would therefore expect NHS England and NHS Employers – with oversight from the Department for Health and Social Care - to prepare plans for any potential industrial action.
19. The RCN is committed to ensuring patient safety during any industrial action. Unlike workers in many other sectors during a strike, some nursing staff continue their work. This is carefully negotiated with employers beforehand to make sure patients are safe. A way of maintaining safe staffing levels is through derogations (an exemption provided to a member or service from taking part in industrial action).
20. During the 2019 strike in Northern Ireland, there were three models for derogations, depending on the service and need:
 - a. Complete derogation, with an entire service being exempt (for example, intensive care units)
 - b. A Sunday service or Christmas Day service
 - c. A night duty model, where the night duty numbers were agreed to cover the day duties (with requests for further staffing considered on a case-by-case basis). More information is in the [RCN Industrial Action Handbook](#).
21. Any RCN member who would not wish to participate in strike action, has the right not to do so. However, our position is that strike action is more effective when all members support the action. RCN members who participate in strike action and lose pay are entitled to RCN strike benefit of £50 per day (7.5 hours). Strike payments are not subject to tax as they are not earnings from employment.
22. A YouGov poll commissioned by the RCN shows that 64% of the of the public would support a strike¹¹. Our members are looking to you to champion their needs, and the needs of our communities, by resolving action in support of staffing for safe and effective care on staffing and fair pay.

Supporting our campaign

23. Our members are looking to Parliamentarians and decisions makers to stand up for patient safety by standing up for nursing.

⁹ [The Code: Professional standards of practice and behaviour for nurses, midwives and nursing associates](#) (2018), NMC

¹⁰ [Update on industrial action](#) (2019), NMC

¹¹ [Public support for nursing staff going on strike builds](#) (2022), RCN

We ask you to consider:

- **Meeting with your RCN members in your constituency or local area:** Our members across the country work in a range of critical NHS services. We can arrange a meeting via our regional RCN team with members so you can hear first-hand about the challenges nurses are facing on the ground right now.
- **Raising patient safety, workforce shortages and nursing pay in Parliament and with Government:** With no accountability for provision of the health and care labour market, no health and care workforce plan in place for England, no transparency in projections of population need or requirements of health and care service - the ability of Parliamentarians to hold one another, and UK Government to account, is limited. We are happy to provide additional information, statistics, and context to raise through written questions and oral questions, among other things.
- **Meeting with the RCN:** We are happy to provide more in depth briefings and to discuss the current challenges faced by our members.
- **Supporting our members in calling for action on social media:** You can find the latest under [@TheRCN on Twitter](#) and [Royal College of Nursing on Facebook](#). Please don't forget to use #FairPayForNursing
- **Signing our letter [to the Prime Minister](#)** urging action and showing your support for nursing staff.

Should you have any queries please contact the RCN Public Affairs team at publicaffairs@rcn.org.uk