

On the case

Advice, support and representation from the RCN
A guide for members

ADVICE AND INFORMATION



This publication is due for review in January 2023. To provide feedback on its contents or on your experience of using the publication, please email publications.feedback@rcn.org.uk

This document has been designed in collaboration with our members to ensure it meets most accessibility standards. However, if this does not fit your requirements, please contact corporate.communications@rcn.org.uk

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Support from the Royal College of Nursing

If you are a full nurse, health practitioner or student member of the RCN, we are happy to help you with any work-related matter. Members should be working in a health-related role or environment to receive our support. The type of help you receive will depend on what's happened and your circumstances. If appropriate you may be advised and represented by a local RCN accredited representative, RCN officer, RCN legal officer or a solicitor appointed by the RCN. You may also get additional help from our Member Support Services.

Your RCN representative will act promptly and conscientiously on your behalf, and will keep you informed at every stage of the process.

We will update you if the RCN policy on support for members changes.

Your rights

We will act in your best interests when trying to resolve your problem, obtaining the best possible result in the circumstances. This will be subject to our duty to spend RCN members' subscriptions equitably and prudently, and to allocate our resources accordingly.

It is your right to receive our support, guidance or representation regardless of your ethnic or national origins, religion or belief, sex or sexual orientation, gender reassignment, disability, marital status or civil partnership, age, pregnancy or any complaint you may have previously made about the RCN itself.

If, after careful consideration, we find that we are unable to provide advice or representation, we will give you a clear and detailed explanation as to why we have taken this decision.

Our rights

We reserve the right to decide the nature and extent of the advice and guidance we can provide in each and every case, who will deliver this service and whether we need to appoint an individual or organisation external to the RCN to advise and represent you.

We are only able to offer advice and representation for incidents that occurred whilst you were in membership. In certain situations we will not deliver advice or representation, including if:

- you ask us to act improperly or unreasonably
- you engage in threatening or abusive behaviour towards RCN staff or others involved in your case
- you harass your representative or any member of the RCN team
- your RCN representative has a reasonable belief that you have deliberately made statements that are untrue
- you persistently or unreasonably disregard our advice or fail to cooperate with requests for information
- your behaviour towards your RCN representative is, in our opinion, unreasonable or there has been a loss of trust and confidence between you both.

In exceptional circumstances we may not provide representation if we believe that it would have a negative impact on the wider interests of the RCN and/or its members. In this situation we will advise you of our decision, together with details of alternative means of support.

We will inform you of any issues that could affect the success of your case. Where, in our opinion, your case is unlikely to succeed, we may need to limit or even decline to support you.

Other advisers

It is important that you have confidence in the ability of the RCN, as your official representative during the case, to provide you with expert, impartial advice about the best way to resolve your problem. If you choose to take independent legal or other advice on your case, the RCN may decide not to represent you. It is important that there is no confusion about who is representing you, and should a conflict arise, the RCN will formally withdraw from your case, but only after notifying you first.

Involvement of ‘third parties’

RCN representatives will deal only with you in matters relating to your case. We will only take instructions from you and communicate with you. We will generally refuse to correspond with another person except in exceptional circumstances, i.e. you do not have capacity to manage your own affairs.

Conflicts

Should a conflict of interest arise between members (for example an alleged harasser and a harassment victim) we will arrange for separate advice and representation for each member. In rare circumstances, a conflict may arise between your individual interests and the collective interests of the wider RCN membership. Should this occur, we will be unable to provide or offer advice and representation to you in respect of your individual case.

Confidentiality and data protection

We comply with GDPR and will manage your information in accordance with those principles. We shall not disclose any information relating to your interests except where required to do so by law or on your instructions. For further information concerning on what we do with your information whilst representing you, please speak with your RCN officer.

Legal representation

All of our employment relations staff are competent to provide you with advice and should your case require specialist legal advice or representation we will pass your case to our Legal Services at the appropriate time.

You should refer to the [Legal Services page of the RCN website](#) for full details of the legal advice and assistance scheme. You will also be given more information about our handling of your case in a client care letter.

We will only provide support for employment and personal injury claims that have, in the opinion of our lawyers, at least a 51% prospect of success and meet our minimum claims value threshold. To ensure thorough investigation of the background to your claim, we ask that you co-operate fully and respond promptly to any request we make for information or documentation.

We may decline your case or only be able to offer limited advice in specialised areas of law which lie outside the specialist expertise of our legal officers.

Complaints

If you are dissatisfied with your support we would encourage you to discuss this with your representative or the person who has overall responsibility for your case in the first instance.

If you remain unhappy you can raise a complaint about the service you receive from the RCN in accordance with our complaints procedure. A copy of the procedure is available on the RCN website.

Any complaint you have about an individual or body we appoint to advise or represent you outside of the RCN should be addressed to the individual or body concerned, in accordance with their own internal complaints procedure. For example, if the RCN appoints a firm of solicitors to act for you in relation to a workplace accident, any complaint you have about their handling of your personal injury claim should be addressed to the solicitors' firm, under their own complaints procedure.

The RCN represents nurses and nursing, promotes
excellence in practice and shapes health policies

RCN advice team
rcn.org.uk/get-help
0345 772 6100

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