Activists across the UK are preparing to face the challenges that 2014 will bring

The impact of financial pressures on employment terms and conditions is becoming ever more obvious in both the independent sector and the NHS, with further attempts to erode Agenda for Change for NHS staff, nationally and locally. But the rights of RCN members will continue to be defended by high-quality activists who are extremely well informed and well prepared, Dr Peter Carter has said.

“We face possibly the most challenging year yet,” the RCN Chief Executive & General Secretary told Activate. “We’re facing continued uncertainty from ongoing restructuring, workforce re-profiling and down-banding. I’m also increasingly concerned about the way pay is stagnating. Inflation is continuing to rise while the pay of nurses and health care support workers is being frozen or cut.”

Activists are working in increasingly difficult conditions with limits being imposed on facilities agreements and often no backfill cover in their day-to-day jobs, making it difficult to carry out representation duties effectively. “The challenges for representatives may seem relentless. However as a union it’s important that we are visible and vocal. Staff shortages and vacancies in 2014 are likely to have an impact on the morale and motivation of members with higher reported levels of stress,” Dr Carter said. “The year ahead will not be easy. However employers will have to face RCN activists who are knowledgeable and equipped to speak out. We’re ready to fight for our members and for what is right.”
Indemnity is the hot topic this month so we look at the forthcoming changes to the RCN’s scheme, with RCN Director of Legal Services Chris Cox answering all the important questions on page 7.

Read about the new representatives’ accreditation policy and elsewhere Chair of RCN Congress Rod Thomson explains why it’s important to get involved in this year’s Congress, even if you’ve never been tempted to do so before.

We also look at performance reviews and capability in this month’s Ask an adviser column and on page 6 assess the importance of the new Learning for life campaign, set to help activists build a learning culture.

RCN neutral on Scottish independence

New advice on the RCN position on the Scotland independence referendum has been published. Copies of Guidance for RCN Members: Referendum on Scottish Independence will be emailed to activists and branches in Scotland this month. The RCN has taken a neutral position, neither opposing nor supporting a particular outcome, but will engage in the debate to ensure the voice of nursing is heard at all levels. The referendum takes place on 18 September. The guidance is also available at www.rcn.org.uk/scotland

New reps’ accreditation policy brings consistency

New guidance will help branch members with the process of accrediting and disaccrediting RCN representatives.

“The new policy brings a consistency across the UK that we’ve never had before,” said Anne Wells, Chair of the RCN Membership and Representation Committee.

“RCN branches will continue in their traditional role of accrediting and removing accreditation but now there’s a new authority for boards if branches are not able to or do not take action.”

Following a series of consultations and feedback from boards and branches, amendments were made to the policy before it was introduced. The guidance, which also includes information for representatives who move to a different employer and clear flowcharts to help explain the process, was approved by the RCN Membership and Representation Committee and will be reviewed after a year.

The Guide to the RCN Accreditation and Disaccreditation Process for RCN Representatives is available at www.rcn.org.uk/aboutus/regulations

Employers ‘must take responsibility’ for indemnity

RCN Council has agreed that changes will be made to the RCN indemnity scheme from 1 July 2014

Work undertaken by members who have a contract of employment will be excluded from the RCN’s indemnity scheme in the future. The move closes off any loophole that allows an employer to get out of their indemnity responsibilities. It will have no impact on the vast majority of RCN members. Some employers are insisting that their employees have personal indemnity cover in an attempt to save on their own costs and the RCN is currently pursuing one of the main offenders in court.

The change to the RCN scheme is separate from the amendments to the NMC indemnity requirements, which are also due to be implemented this year. Chris Cox, RCN Director of Legal Services, said: “The NMC has been very clear that employed nurses don’t need their own personal indemnity cover. Their employer’s arrangements will generally suffice. Self-employed nurses can continue to rely on the RCN for cover – although they are advised to check the terms of the scheme – but all aesthetic practice will be excluded from cover.”

Chris added: “The new NMC requirement is a consequence of EU legislation designed to protect patient safety. All health professionals are required to have appropriate professional indemnity cover in place and all health regulators will be requiring their registrants to make a declaration when they renew their registration or when they first register.” See page 7.

As Activate went to press it was announced that the RCN legal team has recovered more than £8.75 million in compensation for members last year. Read more in next month’s issue.
**RCN helps develop EU advice on working longer**

New European guidelines on dealing with the ageing workforce have been published.

“This is a valuable piece of work undertaken as part of our regular involvement with the European Federation of Public Service Unions (EPSU) on issues that have an impact on nurses and nursing issues,” said Nicola Lee, RCN Employment Relations Adviser. “The challenges and opportunities are recognised and while these may vary in the different member states, there are often common solutions.”

The guidance includes advice on employer action required to enable workers to work productively until retirement age. Equality issues in relation to age, health and safety, providing robust but flexible employment policies and practices and the availability of retirement information and support are also covered.

“The guidance aligns to the work we are doing in partnership with the other health unions, UK health departments and NHS employers around the impact of a raised retirement age in the NHS,” added Nicola.

The NHS Working Longer Review steering group is continuing to work on the recommendations and final report which are to be submitted to the health departments. Download Guidelines and Examples of Good Practice to Address the Challenges of an Ageing Workforce from www.epsu.org/a/10056 and read more about the NHS Working Longer Review at http://tiny.cc/workinglonger

**RCN backs new guidance on physical assaults**

The RCN has endorsed NHS Protect guidelines aimed at reducing the high number of violent incidents affecting staff that are related to a patient’s clinical condition.

Figures released at the end of November show that a large proportion of physical assaults on staff recorded in NHS hospitals in England involved patient medical factors.

“Incidents such as scratches, pinches and hair pulling can have a demoralising effect on staff and can have an impact on the delivery of safe patient care,” said Cat Forsyth, Chair of the RCN UK Safety Representatives Committee. “In these cases it’s not always appropriate to prosecute the patient concerned but employers still have a legal duty to put measures in place to protect and support staff.”

**Meeting Needs and Reducing Distress: Guidance for the Prevention and Management of Clinically Related Challenging Behaviour in NHS Settings** is supported by a dedicated website and scenario-based videos. Visit www.nhsprotect.nhs.uk/reducingdistress

**Governance update**

Results of the 2013 RCN Council and Students Committee elections are available at www.rcn.org.uk/2013elections. Elections are now taking place for three more vacancies on the RCN Students Committee. Visit www.rcn.org.uk/elections to find out more. Nominations for the RCN Representative of the Year are open until 14 March. Email governance.support@rcn.org.uk or visit www.rcn.org.uk/rcnawards for a nomination form.

**Pay update**

The NHS Pay Review Body is due to report to the Government in February but a quick outcome is not expected. Employers are saying that the one per cent rise favoured by the Chancellor is unaffordable. Meanwhile RCN negotiators have shown that salaries have lost more than eight per cent of their value since 2010. Read more next month.
The countdown to Congress has begun, says RCN Chair of Congress Rod Thomson

Activists are absolutely crucial to the success of RCN Congress. It’s your opportunity to comment upon and influence Council policy, and to help inform the RCN’s work. And this year, for the first time ever, our annual general meeting will be held during Congress week – another good reason to come along.

Congress resolutions and matters for discussion will be confirmed in the next few months and you’ve only until 7 February to submit your suggestions so I’d urge you to get organised now. We’re looking for interesting and relevant items that will foster and promote debate. Getting the balance right is never easy but the Agenda Committee is keen that our overall agenda will include a wide range of topics that reflect your current concerns. It’s just as important to get clinical nursing and patient care-focused topics onto the agenda as well as those about employment issues.

Even if you’ve never attended before or felt brave enough to join the speakers on stage, make this the year that you get involved. We’re holding drop-in sessions first thing each morning to welcome newcomers and give you the low-down on how Congress works. We want to hear what you have to say and we can help. The Agenda Committee, Stuart McKenzie, Vice Chair of RCN Congress, and I are happy to advise and support you, so get in touch. Email congress.agenda@rcn.org.uk

“Get involved”

“We want to hear what you have to say”
Sowing the seeds of confidence

I’ve been an activist since the day I joined the RCN. I only went along to a branch event to find out more about the organisation. But when I heard the regional director speak with passion about issues close to my heart, his words really grabbed me. By the end of the meeting I found myself volunteering to stand for election as branch chair.

Up until that point I hadn’t really seen the relevance of the RCN to me. As a theatre health care assistant no one had approached me to talk about being in a union and I never for a minute thought I could become an activist.

Now, less than a year and a half later, I’ve just completed my steward’s training. It gave me great confidence to have someone believe in me; this was something I could do myself and it felt brilliant. It’s now my mission to spread the word. I’ve completely revamped the RCN noticeboard and take much pride in what’s on there. I’ve been to Congress as a voting member and I was made to feel so welcome. The atmosphere was electric and I want to go again; next time I hope to have the confidence to stand up and speak.

I’ve had so many benefits from being active and I honestly believe that you get out what you put in.

Tracy Kempson
Chair of the RCN Shropshire Branch and RCN steward

Dramatic fall in tribunal claims

Sobering statistics greeted unions and employees at the end of 2013, when the Tribunal Service published its statistics on lodged claims. Following the introduction of fees on 29 July 2013 (for example, £250 to issue a discrimination or unfair dismissal claim; plus a further £950 if you want a final hearing), it was anticipated that the number of claims would fall.

The figures are stark: a 17 per cent drop in claims received by the tribunal, as well as a 42 per cent drop in unfair dismissal claims, compared with the same period in the previous year. Discrimination claims (other than sex) were down, varying between 12 per cent and 39 per cent. The news is even more gloomy when you consider that the full impact of the introduction of fees will not be felt until the spring. You will further recall that it is even harder to bring an unfair dismissal claim now that you have to have worked at least two years before qualifying.

Wildly exaggerated

No one disputes that there were some unmeritorious claims lodged with tribunals, but the scale of this so-called problem was wildly exaggerated by the Government and employer representative bodies, with tendentious and often misleading presentation of statistics to bolster their arguments. The striking characteristic of government legislative policy in this area generally has been the paucity of any reputable empirical evidence to support reforms.

The notion that legal rights are useless unless there is an effective means of enforcing them is widely ignored by ideologues, who believe that employment law inhibits economic growth and discourages recruitment, despite the absence of evidence.

Chris Cox,
RCN Director of Legal Services
New campaign materials will help activists build a learning culture

The RCN has been instrumental in the development of a new campaign that aims to increase the level of awareness of learning opportunities; the amount of learning taking place and the positive impact of learning on patient care in NHS settings.

The Learning for life campaign has been developed by the NHS Social Partnership Forum and involved NHS Employers, unionlearn and the major health unions.

“Initially we were approached to be part of the project programme board, but we quickly became more involved, providing content, case studies and resources for the toolkit,” says Karen Dutton, from the RCN UK Learning Representative Committee. “We worked in collaboration with the other unions and acted as critical friends to the project team, reviewing the material as it took shape.”

Karen believes the campaign is relevant to all RCN activists and is quick to encourage everyone to make use of the resources, such as the posters, logos and links to further support.

“Most employment or health and safety issues have a learning dimension,” she says. “This campaign aims to create a learning culture in the workplace, and to do that, we need to work together. If there are no learning representatives in your workplace, the campaign toolkit provides a really helpful business case not just for building a learning environment but also involving these representatives.”

Benefits

Emily Spencer Rigby, RCN Learning and Development Facilitator, believes the benefits of embracing a learning culture are clear. “The campaign can be used to help us promote the RCN professional learning offer and learning events which in turn provide an ideal opportunity to engage with members and recruit new learning representatives. Our figures show that when branch meetings are coupled with learning events, attendance increases dramatically,” she says.

The campaign materials can be used throughout the UK, even though it is an NHS England initiative. “It’s been agreed that activists outside the NHS and England may use the resources and logo, as long as an activist is guiding the campaign and they maintain the values of partnership working to promote and protect learning. This is to ensure that employers don’t take advantage of the resources without providing support for partnership working,” Emily adds.

Learning for life is currently being evaluated so if you would like to share your experiences of using the campaign materials, email emilyspencerrigby@rcn.org.uk

Visit http://tiny.cc/lifelonglearning

Project objectives

- Stimulate greater awareness and increased participation in learning at work for all NHS staff, especially those in bands one to four.
- Increase recognition by chief executives and board members that supporting the development of staff makes good business sense.
- Reinforce the belief that investment in staff learning is an investment in the service.
- Increase the proportion of NHS staff who agree that workplace learning has had a positive impact on the quality of their work.
RCN Director of Legal Services Chris Cox explains the changes to the RCN’s indemnity scheme due to be implemented from 1 July

Why change?
Only self-employed members should need personal indemnity cover, as employers should pay for claims involving their own staff. These changes will stop employers from shifting their risk to their staff and the RCN, and will prevent the RCN from inadvertently subsiding bad employers.

What are the cost implications?
The RCN works on about 50 indemnity cases a year, where the employer is refusing to cover the member. This currently costs about £5 million per annum, but the RCN’s potential liability is unlimited where total claims cumulatively amount to more than £9.5 million. The RCN is committed to providing a value for money service for members and must consider that most members don’t benefit from the current scheme, because their employers meet the claims, even though those members share the cost of it.

What are the main changes?
From 1 July, employers can no longer rely on their staff having personal RCN indemnity cover because work performed under a contract of employment will be excluded from the scheme. The costs of clinical negligence claims will be borne by the employer. Aesthetic practitioners will also be excluded from cover, given the risks, and this may affect up to 500 members.

What is the situation for employed members?
Employed members should be covered by their employers, and those employers (or their insurers) will meet the costs of any negligence claims. The RCN will continue to represent and support them in the workplace and at the NMC. The RCN will also support them through any disciplinary process connected to a negligence claim. Voluntary and “Good Samaritan” work will continue to be covered by the RCN indemnity scheme.

What is the situation for self-employed members?
Many self-employed members will remain covered by the RCN scheme, but it’s important to check the details of the scheme. Check what cover the business has in place and discuss this with any business partners. While voluntary and “Good Samaritan” work is covered, aesthetic practice and some aspects of midwifery practice are excluded from cover from 1 July.

What does the NMC say?
During 2014 NMC registrants will be required to self declare that they have in place, or will have in place, an appropriate indemnity arrangement. The NMC recognises that NHS employees will already have an appropriate indemnity arrangement and they expect private health care employers to provide an appropriate indemnity arrangement for their employees. Only self-employed registrants should be affected by the new requirement. Visit www.nmc-uk.org/registration/professional-indemnity-insurance

What advice should activists give members?
These changes to the RCN scheme are necessary and will ultimately benefit members, as the costs of clinical negligence claims will in future be met by employers and not members and the RCN. Reassure employed members they remain protected by the RCN for all other work-related and professional legal problems, including representation and support. These are services they are more likely to need than support in relation to a clinical negligence claim. Advise these members they can generally “tick the box” to confirm they have indemnity cover on the new NMC registration form, though if they have doubts they should check with their employer. Refer self-employed members to RCN Direct.
Sharps guidance

The RCN has updated its guidance on sharps safety to reflect the requirements of the Health and Safety (Sharp Instruments in Healthcare Regulations 2013) which came into force in May 2013.

“With an estimated 100,000 sharps injuries occurring each year to health care workers, many of whom will be RCN members, it is essential that more is done to reduce the risk,” said Kim Sunley, RCN Senior Employment Relations Officer. “Activists will find this guidance particularly helpful as it provides practical advice on the measures needed to comply with the law.”

The RCN has a long history of campaigning for improved protection for nursing staff exposed to the risk of needlestick and other sharps injuries.

Download Sharps Safety from www.rcn.org.uk/publications. Hard copies will also available to order from RCN Direct from February. Telephone 0345 772 6100.

Snow way to get to work?

Members unable to get to work may be expected to take annual leave or make up time at a later date so it’s important that they contact their employer at the earliest opportunity.

“There’s no legal requirement for employers to pay employees who are unable to get to work, but there may be a local policy that allows for this,” said RCN Head of Employment Relations Josie Irwin. “Employers should always discuss the situation with employees as there should be no automatic default to deduction of wages.” Advice is also available from Acas. Search for “winter weather – travel disruption” at www.acas.org.uk

Here for you

The RCN Counselling Service offers practical advice and support in difficult times, at work or in your personal life. After the tragic helicopter crash in Glasgow in November, it was helpful for members in Glasgow to know that they could get confidential support and assistance to help them deal with challenging emotional issues following the accident.

Brian Murphy, RCN safety representative and steward, who was working in Glasgow on the night of the accident, said: “In the days after the crash I know that members who had been working that night and in the days following were reassured that support was only a telephone call away.” Visit www.rcn.org.uk/counselling

London office move

The RCN London regional office is moving to the fifth floor of RCN headquarters in Cavendish Square on 21 March. All meetings in the London regional office will take place in the new offices from this date. Visit www.rcn.org.uk/london for more information.

Save in 2014

Overindulged and overspent at Christmas? RCNXtra can help you recoup some cash with our money-saving tips such as earning cash back when shopping for your groceries, getting cheaper gym membership or cutting down on your energy bills. Use the RCNXtra savings calculator for yourself to find out how much you can save. Visit www.rcn.org.uk/xtra