The RCN is continuing to lead the search for a national solution to attacks on Agenda for Change (AfC) and the ongoing threat of the implementation of local pay agreements.

“We are making progress,” said Josie Irwin, RCN lead negotiator. “The majority of local staff sides consulted over the summer said they wanted a national solution, so we are exploring possible draft proposals for changes to the AfC agreement and considering whether the proposals could provide the basis for consultation.”

An outline document covers issues such as performance gateways, annually earned increments for some very senior managers and the removal of unsocial hours payments when staff are on sick leave. The proposals also include Staff Side demands for proactive measures to support health and wellbeing at work and requiring employers to follow the job evaluation handbook in downbanding situations.

The RCN has been clear from the outset that any progress in reaching agreement on possible flexibilities in AfC is contingent on trusts in the south west of England suspending activity in or withdrawing from the pay cartel. Negotiations have been further complicated by developments in the north east. North Tees and Hartlepool NHS Trust has issued notice of its intention to dismiss and re-engage staff on new contracts which remove the unsocial hours provision for those on sick leave and the Staff Side believes these actions undermine national talks.
Staff Side recommends rise in NHS pay rates

Staff Side evidence to the NHS Pay Review Body has recommended raising NHS pay rates to a level that protects their real value against inflation and begins to redress the cut in earnings that staff have suffered in the last two years. It also wants an additional pay rise for staff earning up to £21,000 in recognition of the additional pressures that inflation has placed on these workers.

The RCN and the other trade unions have expressed their support for the independent review body system and national pay determination but the Government’s pay policy and declared support for some form of local pay poses a serious threat to the current system.

Chancellor George Osborne has already said that any rise in pay will be capped at just one per cent. “We think this is disgraceful, particularly when you have already done so much to clear up a mess that wasn’t your making,” RCN Chief Executive & General Secretary Dr Peter Carter said in a message to RCN members.

Falling morale has been linked to workplace stress

Two thirds of the 34,000 members questioned stated that morale is worse than a year ago, compared to 55 per cent in 2010. This drop is attributed to increased workplace stress, NHS restructuring, changes to pension entitlements and the falling value of take-home pay.

Read the Staff Side evidence at http://frontlinefirst.rcn.org.uk/evidence

RCN condemns NMC fee increase

The RCN has attacked the Nursing and Midwifery Council’s (NMC) decision to raise registration fees and will discuss next steps in collaboration with Unison.

From January, registered nurses will have to pay an annual fee of £100. This will continue for the next two years and then fees will be reviewed annually.

The RCN said the outcome of a full financial audit needs to be seen and has called for an ongoing, high-level scrutiny of the NMC’s financial management.

The NMC has accepted the Government’s offer of a £20 million grant to assist with its financial difficulties.

RCN members in UK-wide protests

RCN activists and members joined an estimated 150,000 marchers in London, Glasgow (pictured left) and Belfast last month to protest against government cuts. The TUC march for “A Future That Works” in London culminated in a rally in Hyde Park, where speakers included Labour leader Ed Miliband and TUC General Secretary Brendan Barber. There was an especially high turnout from the RCN South West region, where members’ pay, terms and conditions are under threat. RCN Chief Executive & General Secretary Dr Peter Carter said: “The marches gave our members the chance to come together and send a message loud and clear that the cuts are not working.”

Pam Randall, an RCN steward from Croydon, said: “It was terrific. There was a good atmosphere and I was very impressed by the turnout. We seemed to get a lot of support and it was great to take action and meet other activists who felt as strongly as me.”
RCN safety representatives from across the UK gathered in Leeds last month for their annual RCN conference.

Delegates voiced their concerns to Steve Scott, Head of Health and Social Care at the Health and Safety Executive, about the impact of cuts and changes in the health care sector on health and safety, including a rise in bullying and harassment, cuts in mandatory training and equipment maintenance. They also discussed changes to timescales for reporting of workplace injuries.

Updates on injury benefit, risk assessment, sharps injuries and work-related stress were received and time was spent shaping the work of the RCN UK Safety Representatives (UKSR) Committee and discussing potential health and safety-related Congress agenda items.

**Electronic elections underway**

Nominations closed for a number of RCN elections at the end of October.

Voting will now take place electronically for those places and seats which are being contested.

If you are eligible to vote you will have been sent an email containing instructions on how to vote – check your inbox now for an email from Electoral Reform Services (ERS). This is your chance to have your say in who will represent you.

For more information about these elections, and to find out if seats in your country or region are being contested, go to www.rcn.org.uk/elections

**Safety representatives express concern over cuts**

The efforts of Robert Moore, UKSR Chair and committee member for Northern Ireland, and Helen Williams, committee member for Wales, were recognised.

Kim Sunley, RCN health and safety lead, said: “Robert has worked tirelessly on issues such as lone working and the health and safety of shift workers and has shown great leadership in his role as committee chair. Helen has worked hard to raise the profile and importance of safety representatives in Wales and campaigned to improve protection for nurses from sharps injuries.”

Both will stand down in January after eight years on the committee.

**Age discrimination**

Since 1 October, the Equality Act 2010 has outlawed age discrimination by public and private service providers, including health.


**Library refurbishment**

The library at RCN headquarters will be offering a slightly reduced service from February until summer 2013, while work is undertaken to transform the existing library into a dynamic and modern learning space. Access to the physical library will be restricted between 2 January and 4 February while the interim service is set up. For more information visit www.rcn.org.uk/yourspace

**NHS survey**

The NHS staff survey is underway. To get the best value from the process, organisations should actively encourage all employees to respond.

To help staff engagement leads to achieve a high response rate from colleagues, NHS Employers has produced a number of online resources, accessible from the employment policy and practice section of the NHS Employers website (www.nhsemployers.org).
Dr Peter Carter looks back on last month’s Annual General Meeting

Last month’s meeting delivered news that can best be described as “mixed”. The vote that asked members to agree a small increase in their RCN annual subscription fee failed to pass. The RCN did not ask members to vote for the rise without good reason. As an increasing number of members require our essential services, our costs rise too. We now must take stock and decide how we can continue to provide for members with an income that remains static.

For me though, another challenge has been exposed. Once again, the number of members who chose to get involved was lower than we had wanted, or indeed expected. Just over 17,000 members cast their vote, which out of a membership of 410,000 is disappointing.

As an organisation that is led by members, it’s absolutely crucial they feel empowered and energised to get involved and have their say. While we know that everyone is busy with the demands of work and home, it is important for members to shape the future of their College and their profession. As activists, you are fundamental to this.

In the coming months, with fights to defend national pay and efforts to protect the name of nursing, this will become even more critical. We need you more than ever to bring members together and ensure they are involved every step of the way.

“It is important for members to shape the future of their College”

ASK AN ADVISER

Back-up for the bullied

I am helping a member who is experiencing bullying at the hands of a colleague. The member is vulnerable and has mentioned quitting. What resources can I use to help?

Bullying of any kind is unacceptable and some staff may be afraid to speak out, or worry that their concerns will be trivialised by others. Every employer has an obligation to protect their staff from bullying or harassment, but experience on the ground suggests that not all employers will practice what they preach. RCN Direct has recently launched a bullying and harassment advice guide that will help frame your discussions with members on this sensitive issue.

Clear policies should outline informal and formal processes, which may include a simple discussion, mediation, a formal complaint or even the involvement of the police. In all cases members should keep a written record of events to help them evaluate what is happening to them. The guide also contains a bullying diary to help members reflect and record that all-important evidence should the situation warrant a formal complaint. Download the free guide from www.rcn.org.uk/guides

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
Speaking out

I believe too much money is spent on providing certificates for people who have not proved their competence.

I have worked in the field of training for many years and I firmly believe that first and foremost employers need to know their staff are trustworthy and fully competent in the roles they do. We need to stand up to training providers that focus on getting nursing staff through their courses rather than the learning and development outcomes for delegates.

Unless a certificate is from a reputable training provider it does not prove anything. I would urge those responsible for staff development in any health care arena to ensure that nursing staff are actually able to do the work their certificates refer to. Competence is everything when patient care is at stake.

I have spent much time and effort taking my argument to training providers and politicians. I would urge other activists to make their concerns known if you think appropriate standards are not being met. This is not just for the protection of nursing staff but also the patients we care for.

Tony Sawyer is a director of training at a nursing home in south Wales. He is also a learning representative, safety representative and Chair of the RCN Carmarthen and Llanelli branch.

LEGAL UPDATE

Vicarious liability

The circumstances in which the courts will hold an organisation vicariously liable for the actions of employees are now very broad.

The test, according to the House of Lords in 2001, is whether the act of the employee had a “sufficiently close connection with the employment”. This means looking at the job as a whole, not dissecting its components; and considering the time and place the act occurred. My advice is that irrespective of whether the act expressly falls within your job description, if it is broadly “nursing care”, your employer is very likely to be liable.

Extending liability

Now the Court of Appeal has gone even further by extending employers’ liability for the wrongs of non-employees. In JGE v Trustees of the Portsmouth Roman Catholic Diocesan Trust (2012) the Catholic Church was held liable for child abuse committed by one of its priests, a non-employee.

If the relationship between employer and non-employee can be regarded as akin to one of employment, the employer may be liable.

The test will include whether the individual was accountable to the employer for the way they worked, enabling the employer to supervise and effect improvements (“control”); the relevance of the activities to the fundamental objectives of the business (“organisation”); whether the activity is integrated into the organisational structure (“integration”); and whether the individual was more like an independent contractor than an employee (“entrepreneur”).

Prudent employers may want to review their insurance arrangements in the light of this development.

Chris Cox
RCN Director of Legal Services
The RCN has a programme to ensure local support is available for representatives throughout the UK.

Facing new and often unexpected challenges is a way of life for RCN representatives. So getting access to development opportunities that give practical workplace support is essential.

Developing the confidence and competence of RCN representatives is central to the Future Activist programme and the RCN has developed a mentoring framework that ensures all representatives receive one-to-one support and guidance from named mentors throughout the time in their roles.

RCN mentors share their experience and skills with representatives and the framework put in place to support the programme ensures consistent, local support for lifelong learning and development.

Regular contact

Matthew Starr, from Blackpool, has been an accredited steward since January and has received mentoring support from Sharron Parker, an assistant officer in the North West region.

Having recently completed module two on the learning and development pathway, Matthew says the regular contact with Sharron has helped him develop and learn new skills which have resulted in an improved level of confidence when dealing with cases. “Working with Sharron has helped me prepare to work with increasingly complex cases on my own,” he says. “I found learning about the questioning techniques especially helpful.”

Matthew says mentoring has been a useful support mechanism and he urges other representatives to embrace the opportunities the scheme provides. “This is your chance to discuss issues that concern you, talk about your cases and get your queries answered in a supportive environment.”

“Sharron gave me very positive feedback which has given me the confidence to take on cases,” he adds.

Two-way process

Mentoring has led to benefits for both parties. While Sharron provided Matthew with the support and guidance he needed, Matthew provided Sharron with the reassurance that situations in his workplace are identified efficiently and the most current issues communicated effectively.

“This makes my job easier,” Sharron says. “Matthew was great to mentor as he was very enthusiastic and soaked up information like a sponge.”

Read An Overview of the RCN Mentoring Framework and other guidance on the mentoring scheme at www.rcn.org.uk/publications

Key learning points

- Mentoring is a two-way process.
- Mentoring helps mentees improve assertiveness and confidence.
- Mentoring helps representatives think for themselves.

What is mentoring?

Mentorship is “a process by which one person (the mentor) encourages another individual (the mentee) to manage his or her own learning so that the mentee becomes self-reliant in the acquisition of new knowledge, skills and abilities and develops a continuous motivation to do so” (Klasen and Clutterbuck, 2002).

This definition has been adopted as it most closely matches the mission of the RCN, and values the important work undertaken by both newly accredited and existing representatives.
What should I do if I think I am representing a member who could benefit from judicial mediation?

Seek advice from your local RCN office.

Susan Lowe is a solicitor and an RCN assistant legal officer.

Case study: negotiating best outcomes for all parties

An employee found herself having to be redeployed to a completely different area of work at quite a senior level. This meant that she had to undertake training to ensure her clinical expertise at that level, even though she had already developed it to a senior level in her original area of work. The judicial mediation process made it possible to negotiate a reinstatement to the original area of work, albeit at a lower grade.

This made absolute sense for both parties. The employer was able to hold on to a level of skill and expertise that would otherwise have been lost and the employee was able to continue to practise her clinical skills and further develop these through higher education.
Nominations for the RCN Representative of the Year awards are now open

There’s just over a month for you to put forward the names of representatives you think should win this year’s awards for Steward of the Year, Safety Representative of the Year and Learning Representative of the Year.

Tell the RCN about representatives who have made a difference in their workplace and have demonstrated outstanding achievement and commitment to the RCN and members in their workplace. This may include improved health and safety, pioneering a new learning initiative, resolution of workplace issues or disputes, or achievements in representation and consultation. Winners will be presented with their award at a ceremony in Liverpool at RCN Congress 2013.

Nominations must be submitted by 4 January 2013. Nomination forms, award guidelines and top tips for submitting a nomination are available at www.rcn.org.uk/rep_awards

A learning event will be held for all activists from the RCN South West region next month.

Designed as an opportunity for all local activists to update themselves on key developments affecting their roles and duties, the event will also provide a chance to network with other activists and RCN staff.

“As we continue the fight against the south west pay cartel, it is important that activists have the opportunity to focus on their learning and development,” said Ron Elvins, RCN Learning and Development Facilitator.

The event takes place on 4 December at Taunton Racecourse. For more information email ron.elvins@rcn.org.uk

A new value-for-money online tool has been launched that will help safety representatives share the message that nursing staff need to take responsibility for their own health and wellbeing.

For only £36 a year, members have the opportunity to regain their vitality with the RCN’s new personal fitness programme for mind, body and spirit.

Activists will receive a free second year of RCN Vitality membership if they join and sign up at least one other member. Find out more at www.rcn.org.uk/xtra

The awards are sponsored by LV=, the RCN’s approved provider of consumer insurance products. The prize for each award winner is £500, while commendees are awarded £250. Members who nominated the winner will receive £100, and those who nominated a commendee will receive £50.

The RCN Safety Representatives (UKSR) Committee is encouraging other representatives to work in partnership with their employers at a local level to develop joint messages encouraging frontline staff to be vaccinated against flu.

“Representatives can also work with employers to ensure that there are systems and processes in place for members to easily access the vaccine within working hours,” said Robert Moore, UKSR Committee Chair.

Find out more at www.rcn.org.uk/fluvaccination