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The Stewards' Handbook

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INTRODUCTION

Thank you for being a steward for the Royal College of Nursing (RCN). In your role you will make a difference to the working lives of RCN members, as well as increasing

As a steward you will offer essential support and representation to RCN members. You'll receive enquiries relating to employment matters and, most of the time, you'll be signposting members to resources so they can resolve matters for themselves. Members may approach or be referred to you for more formal matters such as disciplinaries, grievances or other workplace employment procedures. Chapter 1 of this handbook will give you an overview of the process and actions you could undertake.

You'll also be working proactively and in partnership with other stakeholders to improve the working lives of RCN members. This will see you contributing to joint working and problem solving with employers. You will also be connecting and meeting with members to understand what matters to them and working with members and RCN staff to achieve change. Chapter 2 of the handbook will explore partnership working and organising on a local and national level.

The foundation of your activity will be the relationships you create and build in your workplace. From the outset, you will be working with your manager to agree time off to undertake your duties. You'll then be working with key managers on individual cases

for change. Workplaces often have several unions representing different professions. You might not always want the same things, but good relationships and a strong workplace network will support you. Chapter 3 will provide some guidance and tools.

You are part of a national network of active members working in a variety of hospital and community settings in the NHS, independent and voluntary sectors within health and social care. As a representative of the RCN you will be building that membership capacity and getting them active about what matters most. The RCN has a governance framework of committees, branches and boards that will steer and support you at a local and national level. Chapter 4 will guide you through the RCN and highlight the 'go-to' places for stewards.

The Steward's Handbook is available in three formats.

- This online version contains direct links to resources.
- A hard copy of this publication is available on request. It has all the content of this resource, but with high-level links.
- A Stewards' Pocketbook is available in hard copy. This is a condensed version to be used alongside this full handbook. It contains key headlines, summaries and checklists for when you need a quick reminder.

1. SUPPORTING AND REPRESENTING RCN MEMBERS



As an RCN steward you will be supporting members on an individual and collective basis.

Members may either approach or be referred to you when they need a bit of advice and signposting, or if they need support through something more challenging.

We know that, particularly when starting out, it can feel quite daunting. So in this

Along with this handbook, there are two crucial things that will help you:



[The Case Management System \(CMS\) and protocols](#) that you're providing the level of support expected by members and keeping your

you through the CMS. Use your MyRCN login details.

The CMS will help you keep all communication, activity and documents related to an enquiry or a case in one place. It's linked to our membership database and is full of useful tools and templates which takes a lot of the leg-work out of your communication and helps you keep organised and up to date. It can even be connected to your Outlook account.

When you've completed the Learning and Development Pathway, you will be provided with an RCN email address, access to the CMS, and training and guidance to help get you started.



[Regular supervision meetings](#) provide a space for you to tap into the knowledge basis and together you can review your cases, discuss any challenges, build your own continuing learning and development ideas.

As we work through this chapter, we'll highlight some key touchpoints where we

3. Representing members through formal processes

Representing members through formal processes is also known as 'casework'. Mostly, you will be supporting individuals, however there may be more than one person involved in a case.

The most common types of representation are listed below.

- Investigatory meetings and [hearings related to disciplinary, conduct or capability](#). This is likely to involve one member.
- [Grievance hearings](#) where the member, or members, have either raised the matter or is subject to the grievance (including [bullying and harassment](#)).
- [Sickness absence and return to work](#) meetings including reasonable adjustments.
- [Flexible working requests](#) where the member or members feel the request has not been fairly considered.
- [Job evaluation](#) where a role or roles are being re-evaluated and the member(s) want to challenge the outcome and/or question the process followed.

3.1. Underpinning actions

There are some common actions that underpin all these varied, formal processes.

[Follow the case management protocol and use the CMS](#)

You must follow the case management protocol to ensure high quality and consistent support and representation.

- All cases begin with the member being sent a contract letter along with the [On the Case](#)
- The CMS gives you all the tools, publications and templates you need to manage a case and follow the protocol, including the case opening letter.
- All formal casework must be recorded using the CMS. You'll need to open up a case record and record all communication and activities and upload all related documentation.
- Each case must be formally closed according to the protocol and on the CMS.

[Check RCN membership](#)

We're unable to provide advice or support on any matter that took place before someone was a member of the RCN. The incident must have occurred during a period of fully paid membership of the RCN. Unfortunately, some people join a union when it looks like a long-running issue is becoming serious. To manage a member's expectations, check the date that they joined, and alert them to any possible challenges if you think the issue may date back to a time when they were not in membership.

Know and understand the terms and conditions of employment

A member's contract of employment will determine many of their core terms and conditions. In the NHS, core contractual entitlements and responsibilities are also set out in the *NHS Terms and Conditions of Service (Agenda for Change) Handbook* and in local policies.

In the independent health and social care sector this can be varied and complex,

independent employers. You can also explore our online pages covering *pay, and terms and conditions in the independent sector*.

In addition to contractual entitlements, members also have statutory rights.

There's a considerable amount of legislation covering equality and employment rights.

Employment law can be complex, so it's important to discpl 3.5 (l)8 ((ia (a)31 gs/TT3T3T)-5.-0.0

Know your legal timelines

Keeping to legal timelines, as well as employer timelines, is essential.

The biggest risk to the RCN is if representatives or staff fail to submit required information, claims, or appeals within prescribed time limits.



There are strict legal time limits for things such as:

- dismissal cases
- employment tribunals
- cases relating to discrimination.

The RCN needs to review all aspects of a case before deciding the most appropriate support. If you feel that a case may be subject to this, it's important that you

Signpost to additional counselling support

Facing employment issues can be a very stressful time for our members. If they need additional support, you can refer them to their employer's counselling service, if they have one, or to the *RCN Counselling Service*.

Members in crisis

As a steward you're not expected to be a counsellor, but you are sometimes supporting a member who may be in crisis.

- If the member is at immediate risk, emergency services must be contacted, without the person's consent if necessary, although it should be explained that
- If the member is not at immediate risk but has suicidal feelings, then gain consent to refer them to the RCN Counselling Service and advise the member to make an emergency appointment with their GP. Also provide them with the Samaritans freephone number –116 123.

Such interactions with members may be distressing for you and the RCN Counselling forget to take care of yourself.

Signpost to support with statement writing

A member might ask you for help writing or checking a statement they're required to write as part of workplace procedures such as:

- being called as a witness
- for a Coroner's Court/fatal incident
- if they're involved in a formal case such as a disciplinary or grievance.

You don't need to take this on yourself as the RCN provides some excellent *advice and support for writing statements*.

This advice includes:

- guidance on writing a statement
- a template to help structure a statement
- a statement checking service (provided they were a member at the time of the incident).

For statements for police proceedings, it's important that the member contacts the RCN advice team as a duty solicitor might need to be appointed. Our website has more information about [police interviews, cautions and convictions](#).

"I approach each member case with an open mind and I have a strong sense of fairness. I take the time to listen,

RCN training, the tutor said, 'The devil is in the detail,' and I've never forgotten that. One of my members said, 'Not only did Linda believe in me, she believed me.' It's important to remember that you can support the person, even if you don't support the situation."

Linda Rumbles, Steward, Scotland

3.2. Supporting/representing members at formal meetings and hearings

Supporting and representing members at meetings and hearings is a big part of your role as an RCN steward. They can be intimidating and a source of worry for members. They can also be quite daunting for you, whether you're new to the role or experienced.

following advice applies universally and can act as a good refresher when taking on a new case.

Preparing for meetings

- Make sure you identify, read and understand the relevant terms and conditions of employment and any local policies, including those relating to the content of the meeting and the policy related to the process you're following (disciplinary, grievance, and so on).
- The member should receive adequate notice of any meeting with details of what's to be discussed, however, that's not always the case. If you need more time, see if you can reschedule it or negotiate an extension for preparation. The policy relating to the formal process is key here.
- Gather all the facts and documents. Remember it's the member's responsibility to supply you with all the information that they have received.
- Meet with the member before the meeting to go through what they can expect and what you, as a rep, are able to do to support them and manage any unrealistic expectations they might have.

During meetings

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4. The key formal processes and their specific requirements

4.1. Disciplinary/conduct hearings

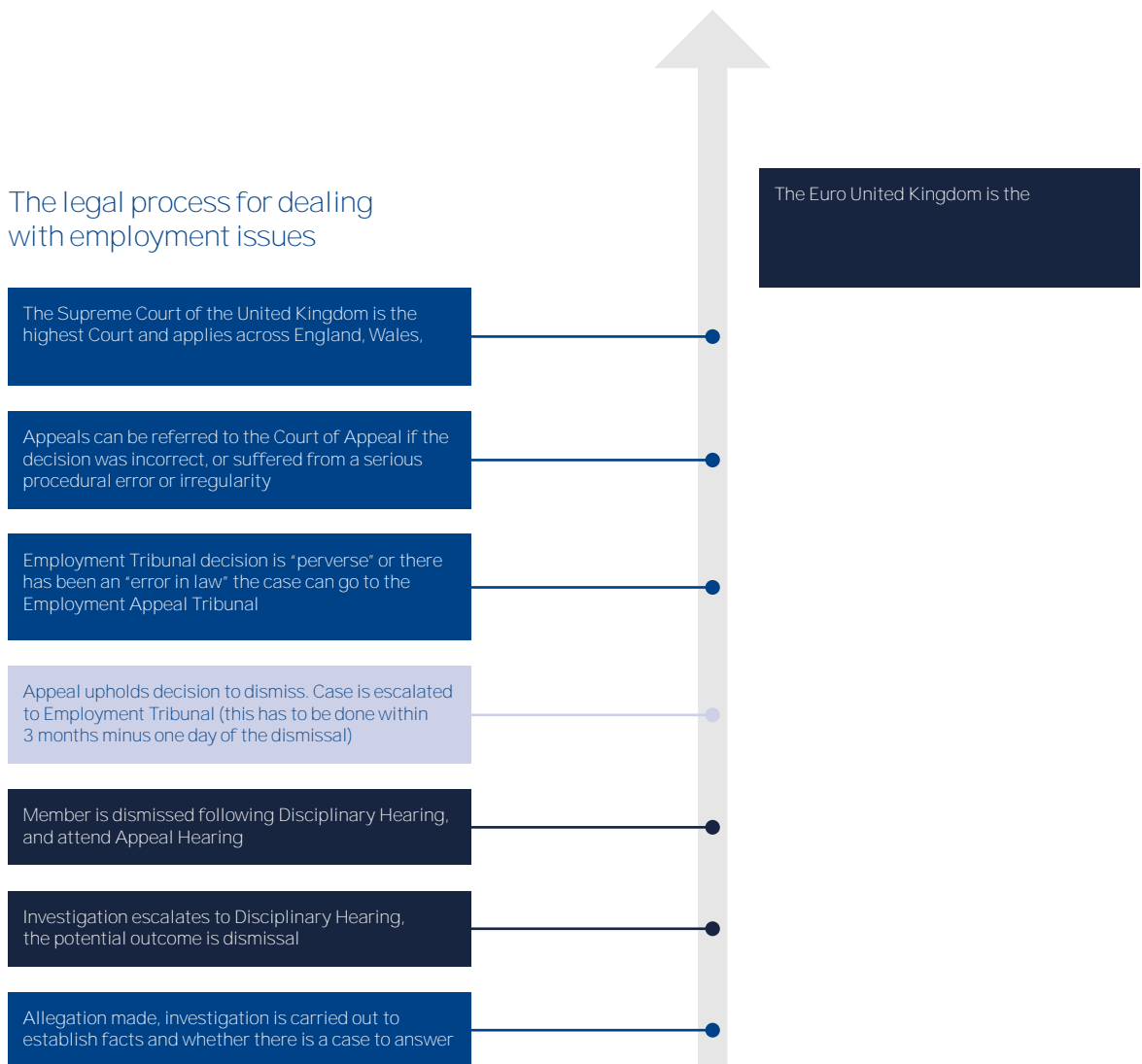
We use the term 'hearing' for disciplinary and conduct proceedings. You should follow the general actions and advice for representation and meetings (sections 3.1 and 3.2)

in local policy.

RCN stewards supporting a member working for an independent sector employer

be markedly different when compared to procedures in the NHS.

While each employer's process will differ, the following provides an overview of what you can expect.



Investigatory stage and meeting

Before a disciplinary hearing takes place, the member will be involved in an investigatory stage and a meeting may be called.

It's good practice for the member to receive adequate notice of the meeting with details of what's to be discussed or investigated, however there is no obligation.

- Local policy should state if notice and details should be given.
- It's not unusual for a member to be unaware of why a meeting has been requested or know the details.

A member can request support and representation at an investigatory meeting but there is no obligation.

- Local policy should state if representation is permitted.
- Some employers—especially in the independent sector—don't always permit representation at these meetings.
- It's not uncommon for a member to have attended an investigatory meeting alone.
- If you can't be with the member at the meeting, you can still help them to prepare and share this advice.

The purpose is to gather facts and should be unbiased and non-judgemental.

- The summary or conclusion of an investigatory meeting will determine whether a disciplinary hearing is required but should not determine or suggest an outcome of that hearing.
- An investigation may be part of a disciplinary process but can't lead to a disciplinary sanction. The outcome can only be determined through a disciplinary hearing which can only be called by whoever commissioned the investigation.
- If you believe that the investigatory meeting is leading into a disciplinary hearing, the meeting should be stopped to enable the correct process to be followed, as per the employer's disciplinary/conduct policy.
- The investigation may conclude there is no case to answer, or no grounds to continue an investigation. If this is the case, the member has a right to access the investigation report.

Our website has further [advice on investigations](#).

Suspension

A member might be suspended from duty pending an investigation.

This should not be an automatic approach and only be considered if there is:

- a serious allegation of misconduct
-

the suspension and any restrictions and obligation. There should be information on when and by whom the suspension will be reviewed.

As a union representative, you may be called to a suspension meeting at short notice

Timelines and reasonable notice of the hearing

The member should receive reasonable notice of the hearing along with the documentation of the case against them. It should be in line with local policy timeframes and allow time for the member to prepare. If you need more time, ask to reschedule or for an extension.

Check if a statement of case needs to be submitted ahead of the hearing and if there's a deadline.

There are also legal timelines to consider in respect of employment tribunals. The RCN needs to review all aspects of a case before deciding the most appropriate support. Keeping to legal timelines, as well as employer timelines, from the outset, is essential.

"A claim to an employment tribunal must usually be made within 3 months less

employment ended to make the claim. If it's a claim about redundancy pay or



Panel membership

It's worth checking the panel membership to ensure fairness. Within smaller employers, the investigator might also be the decision maker on the panel and appeal, or might be a key witness. If you're concerned about the panel, you should challenge its fairness and the risk of bias.

if you believe:

- there is a discrimination element to the case
- you need support challenging the panel membership
- there is potential for the member to require future legal support such as a risk of dismissal which could lead to a tribunal claim – the member's expectations will need to be carefully managed as the provision of legal support is not automatic and is considered on a case-by-case basis
- you feel in need of any advice and support.

Attending the hearing

There will be a panel to hear the case and the typical procedure for a disciplinary hearing usually follows this outline:

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- The member, or you as their rep, will have an opportunity to question the person presenting the case, as will the panel.
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- You, or the member, can question the witness, as will the panel.
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- The member, or you as their rep, present your statement of case or response and call any witnesses.
- The person presenting the case, and the panel, can question witnesses.
-
- Both the person who presented the case and you, or the member, can sum up or make a closing statement.

You can request an adjournment or to re-schedule if:

- additional papers are presented on the day or during the hearing
- the member becomes distressed
- the member wishes to discuss some element of the evidence or investigation

After the hearing

The panel will consider the case and may inform the member and you of an outcome. The outcome may be delayed, especially if, during the hearing it became evident that further information and clarity is needed that could not be established on the day but

Once the outcome is known, this should be followed up in writing. It should outline the outcome of the hearing, whether any disciplinary sanction has been given, and detail the right of appeal and the timeframe to submit an appeal (if relevant).

Ask for a copy of the disciplinary panel minutes and a copy of the letter outlining the action, if any has been taken against the member, to be sent to you as well.



- the member has been dismissed
- the member feels that they have been treated unfairly
- there's a likelihood that the member will be referred to the NMC (the member will also need to contact RCND to get a legal referral once the NMC has been in contact)
- the member wishes to appeal.

Appeals

Be aware of timescales if a member wishes to appeal. For internal appeals, these will

in all circumstances relating to appeals in order to advise appropriately and ensure that all issues are covered if the matter does proceed further.

The grievance process

- Take the complaint further.
- Inform your employer.
- A hearing takes place.
- The outcome and actions are communicated.
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Sick pay entitlement

There are variations on whether a member is entitled to occupational sick pay, particularly with independent health and social care employers. Nevertheless, there are statutory entitlements.

For employees in the NHS, the occupational sick pay entitlements which form part of the *NHS Terms and Conditions of Service Handbook* (Section 14: Sickness absence).

The Government provides guidance on *Statutory Sick Pay* eligibility and entitlement.

Annual leave and sickness absence

An employee should be able to accrue their statutory annual leave if they were unable to take those holidays due to ill health.

Statutory leave is different to contractual leave.

Everyone is entitled to a certain amount of statutory leave, but a contract of employment should exceed this minimum amount.

Ill-health retirement

This can be done after the event, but it's always better to be prepared.

Long-term sickness

During the absence

In the case of ongoing long-term sickness and ill health, consider signposting to information about the NHS IA and to

- you consider that the rejection of reasonable adjustments may be discriminatory
- you believe the employer has been unreasonable and the member unfairly treated
- there's risk of dismissal and the member would require legal support at a potential employment tribunal.

advice on sickness at our website.

4.4. Job evaluation

to other jobs in an organisation. It seeks to make a systematic comparison between jobs to assess their relative worth for the purpose of establishing a rational pay.

A good job evaluation scheme should also be used to ensure that there is no

Female dominated jobs and professions can earn less than male dominated jobs and professions. A robust job evaluation scheme should ensure that this should not happen. An example of a good job evaluation scheme is the NHS Job Evaluation Scheme.

NHS Job Evaluation Scheme (JES)

Job evaluation is the system by which jobs in the NHS are compared with each

NHS Staff Council.

The NHS JES is an integral part of the wider Terms and Conditions of Service package workplace. It's an essential tool for:

- deciding the banding of new posts
-
- applying the correct banding to posts affected by service redesign or organisational change.

Job evaluation processes and outcomes need to be jointly owned by management

working. However, we know that with the growing pressure on resources within organisations, job evaluation sometimes slips down the agenda and short cuts can

The RCN has produced an *NHS job evaluation: Action checklist for RCN reps*.

consultative meeting.

NHS Job Evaluation Reviews

The RCN guide *NHS job evaluation reviews: What to do if you think your pay band is wrong* provides information and advice on how to request a review of

Supporting a member to raise a concern

1. Signpost them to the online *Raising Concerns Toolkit* and the *Guidance for RCN Members*.
2. Meet the member to discuss their concern.
 - Ensure you meet in a comfortable and safe environment.
 - Encourage the member to take notes and pause often so you are both

 - Ask the member to outline the issue and any incidents or evidence.
 - Use the RCN *Nursing Workforce Standards* to identify and articulate
3. The member should now be in a position to write a statement to their employer highlighting their concern.
4. Open up an enquiry or case on the CMS.

2. IMPROVING THE WORKING LIVES OF MEMBERS



This section looks in more detail at the opportunities to improve workplace conditions for members. Often, this will involve working in partnership with colleagues from other unions and your employer to highlight issues before they become major problems, and addressing them promptly and positively.

Most employers have a collection of policies that set out the agreed employment practice and procedures. A policy will tell you (an employee) what you can expect from you and the processes that both are expected to adhere to. So, in the

Critiquing a policy

Step 1: Read through the policy

- Does the new policy replace an existing policy? Does it 'reinvent the wheel'?
- Who has written/designed the policy?
- Does the policy need to be read in conjunction with other policies?
- Are there any guidance notes to accompany the policy?

Step 2: Review the content

- What are your general impressions of the policy?
- What is the evidence given for the policy and is it valid in your opinion? (such as absence levels)
- Is it non-discriminatory?
- Is the policy based on current employment legislation and/or good practice?
- Will the policy affect RCN members? How many will be affected?
- Will it mean changes in work practices?
- Will the affect be an improvement or deterioration in terms and conditions?
- Is the policy realistic and able to be delivered?

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2. Working in partnership with other unions and colleagues

As a steward, you will be seeking the arena where unions and your employer's management team meet so that you feed back the views of staff and make sure

2.1 Partnership working in the NHS: getting active on 'staff side'

Broadly speaking, staff side in the NHS is the interface between management and the various unions – and sometimes recognised professional bodies – within

Overall, staff side's role is to ensure a collective approach to issues relating to employment terms and conditions and to also provide a place for management to seek and receive guidance from the various unions and organisations.

Alongside the RCN, organisations attending may include the British Medical Association, the Chartered Society of Physiotherapy, the GMB, the Royal College

In Scotland, the partnership arrangements are underpinned by the *Staff Governance Standard*.

2.2 Partnership working in the independent sector

The staff side model in the independent health and social care sectors can vary depending on the organisation. Some organisations, including public sector employers and larger private health care providers, will have similar arrangements to the NHS model. In addition, some larger private health care employers have similar structures

Smaller employers may not have a staff side group but may have local ways of working independent sector will be able to offer advice and help you to navigate your way.

2.3 The role of the steward on staff side

As an RCN steward you will usually be involved in the consultation and negotiation change and developments.

The steward is there to represent nurses and nursing. The number of RCN seats will normally be directly proportional to the number of RCN members in the organisation. This will vary depending on the size and nature of your organisation, so it's important you know how many members the RCN has where you work.



3.3 Taking action

What is the issue? Try and capture the issue and describe it in a short 'problem statement' that everyone would understand. Consider if it is happening to a few

What is your ideal outcome? Now link your member's statement to a clear desired

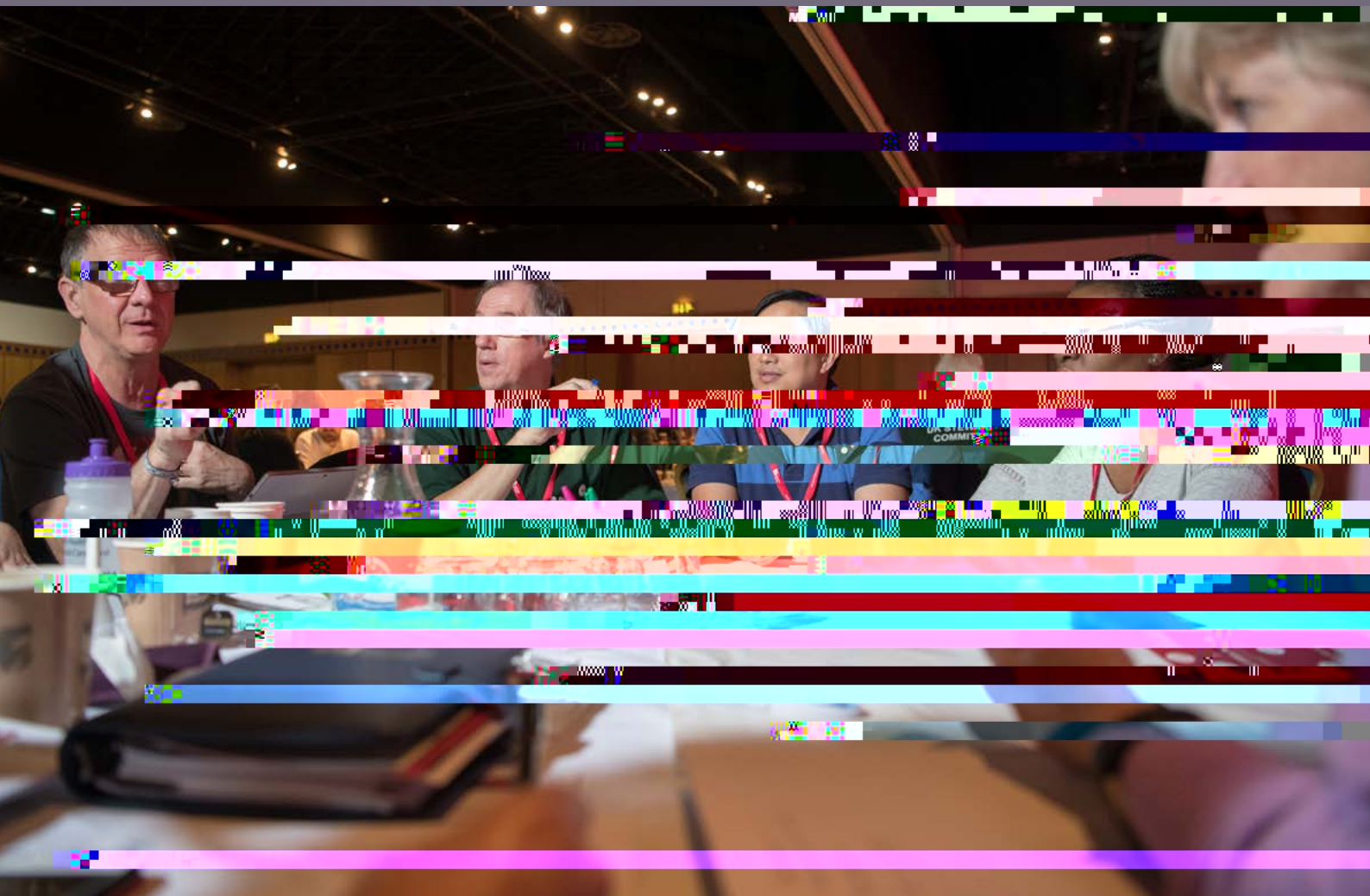
What needs to be done to achieve that outcome? This depends on the issue

- take the issue to your local RCN branch
- work with other unions to raise it at staff side
- talk to the people you know can make the change quickly
- arrange a meeting for members to come together to discuss the issue and

Having built great relationships with senior staff, you might get your outcome by simply going directly to them. This can feel like the quickest and best action but

Who can help? Every issue will require a different approach and different people

3. CREATING AND BUILDING WORKPLACE RELATIONSHIPS



Recognition is when an employer formally recognises a union, such as the RCN. There will usually be a written recognition agreement.

As an accredited steward, if the RCN has recognition, you are legally entitled

Facilities time will be outlined in your local recognition/facilities agreement, or equivalent in your organisation.

Some workplaces may not have trade union recognition. If you don't have a recognition

2.

4. BEING A REPRESENTATIVE OF THE RCN



1. Raising your profile within the workplace

RCN reps play a key role in building the RCN membership and union activism at

- Walk around your workplace to make sure that members and non-members know your face and how to contact you for information and support.
 - Start conversations with members and non-members based on previous conversations with other workers; listen and then engage members in activism.
 - Understand and become familiar with the workforce. Map your workplace
-
- Work with other RCN reps as a unit to carry out constant member

If you visit the [Reps Hub](#)

2. Being a constant recruiter

The more people who join the RCN, the stronger and more powerful the voice

Many of our members join the RCN after a conversation with their colleagues or matters to them and explaining how the RCN might be able to support them,

There's no step-by-step formula to recruiting members. You might want to request and permanent recruitment displays. By far the most fun way to recruit members is get chatting to them.

1. We are the largest nursing union in the UK, probably the world.
2. We only recruit nursing staff as members – so nursing is our specialism.
3. Nursing support workers and health care assistants can join the RCN. The membership charge is much less than that of a registered nurse membership, but the service from the RCN is equal across all levels of membership.
4. We are viewed by health care employers, government, health bodies and charities as the experts on all that is nursing.
5. We have trained workplace stewards, safety reps, and learning reps who specialise in support and advice to nurses and health care assistants.

Branches are responsible for the accreditation of RCN representatives.

There is more information about *how the RCN is governed* on our website.

5. Support for you as an RCN steward

5.1 Managing members' expectations

Representing and negotiating on behalf of members is an essential element

- Ensure the member understands the purpose and scope of your role.
- Make sure members know that you are not an RCN employee but, with RCN support to develop skills, you do this role in addition to your substantive post.
- Encourage members to come to you as early as possible so issues can be

- Decide what your boundaries are and when you will be available.

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- Only promise what you can deliver. Be realistic about what can be achieved.
- Agree your preferred methods of communication such as text, email, telephone, etc.
- Keep communication lines open and members updated.
- Reassert boundaries when necessary.
- Remember, people like to know what they can expect where possible.
- Remember, people feel reassured when they know what they can expect from you.

they stand and this will help you to form a good working alliance.

5.2 Managing unacceptable behaviour

We recognise that our members, in particular, can be experiencing high levels of stress and/or be very unwell when they contact our accredited representatives. We therefore aim to provide our accredited representatives with the necessary skills and guidance to support all of our members in their time of need.

That said, unacceptable behaviour towards our accredited representatives will not

*Managing Unacceptable Behaviour:
Guidelines for accredited representatives and relevant RCN staff.*

If you feel that a member's behaviour has become unacceptable and no longer *RCN Respect Charter* completing the *reporting unacceptable behaviour* form on the RCN Reps Hub.

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Royal College of Nursing (2022) *RCN Stewards Role Descriptor*
Available via Tools of the Trade on the Reps Hub

Royal College of Nursing (2022) *Working Flexibly to Support a Healthy Work-life Balance* www.rcn.org.uk/working-flexibly

Scottish Public Pensions Agency Your NHS Scotland Pension Scheme
www.pensions.gov.scot/nhs (accessed 31/03/22)

Useful websites

Acas: [acas.org.uk](https://www.acas.org.uk)

Labour Relations Agency: [lra.org.uk](https://www.lra.org.uk)

NHS Employers: [nhsemployers.org.uk](https://www.nhsemployers.org.uk)

NHS England: [england.nhs.uk](https://www.england.nhs.uk)

NHS Scotland: [scot.nhs.uk](https://www.scot.nhs.uk)

Royal College of Nursing: [rcn.org.uk](https://www.rcn.org.uk)

