



# IS THERE A SHORTAGE OF STAFF ON WARDS?

Many of our complaints about staffing levels on wards come from the nursing assistants. Unfortunately, what has to be understood is that it is only qualified staff i.e. ward managers and the qualified nurse who takes charge of a shift, who have any real authority to complain about staffing levels.

Many times it's left to the nursing assistants to take issue with their trade union reps about what they consider to be inadequate staffing levels on their particular wards. However, what must be understood is that for a complaint about staffing levels to have any real 'clout' it must come from either the ward manager or a qualified member of staff who has taken charge of a shift. The reason for this is that when the qualified member of staff takes charge of a shift, they automatically take responsibility for the health and safety of the patients and the staff that they are managing. Therefore if they take charge without making it known to their manager that they are un-

happy with the staffing level, it is then assumed by management that they are happy to take the responsibility for the wellbeing of the patients and staff under their jurisdiction.

If something then happens on that shift to either a patient or a member of staff and it is considered to be due to a shortage of staff, that qualified member of staff could be disciplined for failing to make management aware of the situation.

Under the NMC Code of Conduct, qualified staff cannot refuse to take responsibility for a ward/shift. However, if they are unhappy about the staffing levels on a ward/shift they must make management aware that in their opinion the staffing levels are inadequate and unsafe. Not to do so would be in breach of their NMC Code of Conduct

Our members can be assured that UNISON are always making management aware of what we consider to be a shortage of staff, wherever that may be, especially nursing staff on wards. However we

are not helped, and in some ways nor is management, by ward managers and departmental heads not complaining when they feel that their ward/department is short-staffed. Over the last 18 months, UNISON have never received an official complaint from a ward manager or a qualified member of staff about shortages of staff on any of the inpatient wards throughout the 5 Boroughs. Therefore the Branch Executive can only assume that ward managers and qualified staff are happy with the staffing levels on their wards.

**You see our dilemma in this.** We know there are problems on some wards due to inadequate staffing levels – but we can't identify that until it's too late and we become involved in disciplinarys.

What we would say to all our qualified staff members is 'if you find yourself in a situation of inadequate staffing levels you should make your manager and your union rep aware of the situation' (a) for the health & safety of the patients and staff under your care, and (b) so that you personally can't be blamed if something does go wrong which can be attributed to inadequate staffing levels.

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## NEWSFLASH..... Nursing Times recommends UNISON membership

It was announced at the **UNISON** Health Conference in Harrogate this week that the Nursing Times is now working alongside **UNISON** and are recommending that staff working in nursing teams should join **UNISON** rather than any other trade union. This is because the Nursing Times believe that **UNISON** best represents the needs and aspirations of nursing team members.

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# Carry over of annual leave due to ill health

## Long term sick workers still need paid time off "for a period of relaxation and leisure"

Employers will face greater annual leave costs following a decision of the **European Court**. Those off work due to ill health will continue to accrue the right to paid annual leave each year, regardless of how long they have been off and whether they are on nil pay. We will need to see how the UK Courts and Tribunals interpret the decision in the case of *Stringer v HM Revenue* (previously known as *Ainsworth*) to understand the full impact, but there is little doubt that employers will now be well advised to review all cases of employees on long term sickness absence, as retaining those employees on the books could cost roughly 8-11% of salary a year, even if they are on nil pay.

The key points in the Judgment are:

- Where an employee is unable to take their annual leave entitlement in any leave year because of sickness absence, they must be allowed to carry it over and cannot lose the accrued leave because of limits placed on the amount of carry over or the period in which it must be taken. This applies where the worker would otherwise be unable to take the leave either because they have not returned from ill health absence before the year end or because there is insufficient time left in the leave year to take their entitlement.
- On termination of employment, a worker must be paid in lieu for all annual leave accrued. Where a worker has not returned from long term ill health absence at the time, they will have had no opportunity to take any of the leave they have accrued and must be paid in lieu of any untaken leave including that accrued in any previous leave years. For example if an individual's employment is not terminated in case they might be able to come back but they are off sick for 5 years, when their employment terminates/they resign they will be entitled to a "windfall" of approximately half a years pay (possibly) for "accrued annual leave". As a result, employers must carefully consider terminating the employment of long term sick employees, as their remaining an employee will mean they are accruing a right to pay in lieu of annual leave even if their remaining in employment is otherwise apparently cost neutral.

The Court of Appeal earlier in this case had very sensibly raised the point that the Working Time rules which required employees to have leave from work, were supposed to be about protecting health and safety. They asked the question "leave from what?" where someone off sick was asking for paid annual leave. Unfortunately, that approach has now been overtaken by the ECJ who seem to feel that time off from being off is required. They say "It is common ground that the purpose of the entitlement to paid annual leave is to enable the worker to rest and to enjoy a period of relaxation and leisure. The purpose of the entitlement to sick leave is different. It is...so that the worker can recover from being ill."

The ECJ decision is far from the end of the story. Some of the issues will need to be decided by the House of Lords when the case is referred back and indeed we will need to await further test cases to see the full implications. We will, for example, have to wait and see:

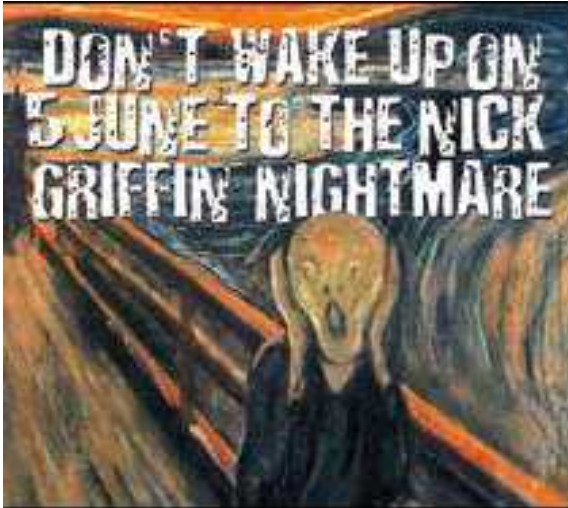
- whether the Regulations need amending or whether this decision requires all employers to change their practices now (it will in any event apply directly to most public bodies);
- whether it applies to only the 4 week European leave entitlement, the 5.6 week UK entitlement (from 1 April - 4.8 weeks until then), or to any additional contractual leave (our expectation is it will probably apply to 5.6 weeks with the precise contractual terms determining any additional entitlement);
- whether an employee can ring up whilst off sick on nil pay and ask for certain weeks to be his paid annual leave, or whether he needs to return or for the employment to end to get pay; and
- whether this applies only to sick leave, or whether it also applies to unpaid maternity leave, sabbaticals, career breaks, or even those on PHI but still employed (there is no obvious reason why it should not do so).

We would recommend that all employers review all their practices and procedures which relate to annual leave and any other period of absence.

***This has been taken directly from a recent legal bulletin***

**WATCH THIS SPACE, FOR FURTHER UPDATES**

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The BNP represents the complete opposite to the ethos of trade unionism. We stand for solidarity and believe we are stronger when we stand together. The BNP seeks to divide people on racial, religious and national lines and this would automatically reduce our collective strength and make us weaker.

UNISON fully support the Hope Not Hate campaign and resolve to get involved in Union Friday and affiliate to Trade Union Friends of Searchlight.

Nick Griffin, BNP leader, a holocaust denier with convictions for inciting racial hatred and a life long fascist, is standing in the European elections on 4th June 2009. He can win a seat with as little as 7.5%

If he does he will get £1.25 million of tax payers' money to spread his message of hate in your name. He will also be able to link up with fascists across Europe. UNISON members should be concerned about this and **we should be doing all we can to stop him.**

## Help & Advice When You Need It

Representation at local level within the 5 Boroughs Branch has been arranged to allow members easy access to their trade union representatives. There is also an Education Officer, a Communications Officer and Health & Safety Officers who can be contacted if the advice required is within their remit. If you need help/advice you can always contact the Trade Union Office at Hollins Park on 01925 664087 and leave a message on the answerphone. If your enquiry is urgent you can contact the following representatives at any time:-

Name	Role	Borough	Contact no.
Brian Morris	Branch Secretary	All boroughs	07710 511793
Ann Cunliffe	Branch Chairperson	All boroughs	07791 739754
June Makin	Branch Treasurer	All boroughs	07504 681657
	Branch Steward	Warrington	
Steve Critchley	Assoc. Branch Sec.	Warrington	07545 424138
Diane French	Assoc. Branch Sec.	Halton	07787 120552
Chris Ashman	Branch Steward Health & Safety Rep.	St. Helens & Knowsley	07751 651655
Cheryl Forrest	Branch Education Co-ordinator	All boroughs	07890 751808
	Branch Steward	Wigan & Leigh	
Tracy Abraham	Branch Steward	Wigan & Leigh	07957 474931
	Health & Safety Rep.	All boroughs	
Joan Byrne	Health & Safety Rep.	Halton	07920 296839
	Branch Steward		
Yvonne Morris	Branch Steward Health & Safety Rep.	Warrington	07841 595297
Peter Kay	Branch Steward	Halton	07737 338814
Cheryl Williams	Branch Steward	Warrington	01925 664471 / 664087

## ARE YOU INTERESTED IN BECOMING A UNISON LEARNER REP?

### What does a ULR do?

A ULR's role is to encourage people to learn and to support existing learners through providing mentoring and support. They also offer information, advice & guidance to all staff in relation to learning.

### Why do we want to recruit more ULRs?

As a union we recognise across the country that many people lack the basic numeracy and literacy skills needed in the modern workplace. We are particularly looking for the ULRs to promote SFL (Skills for Life) courses as these provide the foundation for subsequent learning and is key to helping people realise their potential.

### What support will I get?

All ULRs attend an initial 5-day training course with the option to attend further development sessions to improve their ability to provide a full ULR service.

***Email [cheryl.forrest@5bp.nhs.uk](mailto:cheryl.forrest@5bp.nhs.uk) for more information on becoming a Learner Rep.***

## TRAINING FOR LEARNER REPS

### ARE YOU INTERESTED IN GAINING A FORMAL QUALIFICATION?

#### **City & Guilds 9297: Literacy, Language, Numeracy and ICT Awareness**

The City & Guilds 9297 award is a successful existing qualification aimed at raising LLN awareness. It is aimed at frontline staff, managers and anyone who may perform a role to support learners with a literacy, language, numeracy or ICT need. Training comprises of two days of interactive learning followed by an open-book assessment. Learners have the opportunity to continue towards a full City & Guilds Level 2 Award in Literacy, Language, Numeracy and ICT Awareness.

#### **Course Objectives: Learners are provided with skills and knowledge to:**

- Develop awareness of LLN and how it impacts on people's personal and social working life
- Build their own capacity to identify LLN needs to enable staff to reach their full potential
- Explore their own written and communication skills required to engage and motivate potential learners
- Signpost individuals to where they can find access to courses
- Recognise how this fits into national strategies in the health sector

#### **Benefits of LLN to individuals:**

- A higher chance of training or promotion at work
- More likely to be in a higher skilled job
- More likely to be involved in community organisation
- More likely to be in good health

If you're interested in attending this course and gaining the above qualification you should contact in the first instance

**Melanie Whitehead, OD Facilitator on 01925 664411 or by email:  
[melanie.whitehead@5bp.nhs.uk](mailto:melanie.whitehead@5bp.nhs.uk)**

## PAYSCALES FROM 1ST APRIL 2009

Band 1	Band 2	Band 3	Band 4	Band 5	Band 6	Band 7
13,233	13,233	15,190	17,732	20,710	24,831	29,789
13,588	13,588	15,725	18,157	21,318	25,829	30,762
13,944	13,944	16,333	18,826	22,152	26,839	31,856
	14,359	16,698	19,495	23,019	27,844	33,436
	14,774	17,184	20,102	23,345	28,816	34,410
	15,190	17,732	20,710	24,013	29,789	35,504
	15,725	18,157	21,318	24,831	30,762	36,719
	16,333			25,829	31,856	37,996
				26,839	33,436	39,273

Band 8				Band 9
Range A	Range B	Range C	Range D	75,383
37,996	44,258	53,256	63,833	79,031
39,273	45,596	54,714	65,657	82,824
40,853	47,905	57,146	68,393	86,800
42,434	50,580	59,821	71,736	90,967
44,258	53,256	63,833	75,383	95,333
45,596	54,714	65,657	79,031	

### BRANCH ANNUAL GENERAL MEETING

The Branch AGM on 24<sup>th</sup> February was well attended. The Regional Officer, Bob Blundell, gave a short presentation on the Euro elections and the Branch Chair and Branch Secretary gave an update on what activities had been going on within the Branch over the past 12 months.

All elected officials and their contact details are on page 3.

Once again a big **THANK YOU** to everyone who took the time to come to the AGM.

All Branch officials that had been nominated were elected unopposed.



## 5 BOROUGHES BRANCH

Trade Union Office  
Hollins Park, Hollins Lane  
Winwick, Warrington, WA2 8WA

Phone: 01925 664087  
Fax: 01925 664085

### Are you going away for a holiday?



Do you need someone to  
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## Beat the Credit Crunch with a Branch Discount Card

We all know that finances are under pressure at the moment and with this in mind, your UNISON branch has worked with Lealta, a company specialising in discount benefits, to organise a card specially for Branch members to receive discount at local and national outlets.

Discounts are available with instantly recognisable high street names and local retailers, including garden centres, pubs, takeaways, theme parks, clothing, gyms and restaurants. You either present your card at the shop, or print a voucher. For more details visit [www.lealtabenefits.com](http://www.lealtabenefits.com)

**The card is free to members and you can claim yours simply by filling in and returning the form below.**

**Please note, cards will automatically be de-activated if your membership lapses**

### UNISON LEALTA CARD REQUEST FORM

Yes, I would like to receive a free UNISON/Lealta Discount Card.

Full name: .....

Home address: .....

.....

Please return this form to the Trade Union Office,  
Hollins Park, Hollins Lane, Winwick, Warrington, WA2 8WA