

Terms of Reference: Trade Union Committee

1. Name of Committee

The Royal College of Nursing Trade Union Committee.

2. Purpose

The RCN Council has established the Trade Union Committee in accordance with Schedule Rule 2.1 of the *Royal Charter* to ensure delivery of the following Royal Charter object:

3.3 To promote the professional standing and interests of Members

And in furtherance of its powers, described within the *Royal Charter*, to be a special register trade union body in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992.

The main purpose of the Trade Union Committee is to carry out governance functions as aligned to the trade union and employment relations functions of the RCN as delegated by Council.

3. Delegated responsibilities

3.1 The role of the Trade Union Committee is to support RCN Council to discharge its governance duties as delegated below:

- a) to oversee the governance arrangements underpinning the relevant aspects of the trade union and employment relations activities that will deliver on the strategic priorities of the RCN Council.
- b) to provide advice and make recommendations to RCN Council on trade union and employment relations matters in line with the delegated authority provided by Council and described within the overall scheme of delegation*. This includes recommendations on changes to agreed policy and positions as well as new policy and positions. .

- c) to contribute the Committee's perspective to the development of RCN overall strategy and planning.
- d) to promote and lead active engagement with members across the UK on trade union and employment relations matters and to ensure their views are fed into the RCN's trade union and employment relations activity.
- e) through ex officio membership of their country or regional boards (or in the case of the Nursing Support Worker member and the Student member through ex officio membership of their respective representative committees) Committee members will ensure the strategic priorities of the RCN Council are enacted in relation to trade union activity in those constituencies, and to feedback information from those constituencies to the Committee to inform priorities and decision-making.
- f) to ensure that the RCN works in partnership with external stakeholders in its trade union and employment relations activity and in line with the decisions of RCN Council.
- g) to monitor and review the RCN's performance as a trade union and its associated activities to support members in respect of their employment against the key performance indicators, annual plan and budget agreed by the RCN Council.
- h) to review, monitor and report risk to the RCN Council in relation to the RCN's trade union and employment relations activity.
- i) to work collaboratively with RCN staff and others engaged in the RCN's trade union and employment relations activities and to constructively consider the professional advice provided by staff in order to ensure accountability in decision making.
- j) to champion and support the RCN in its role as a special register trade union.
- k) to uphold and respect the decisions of RCN Council and to exercise corporate responsibility.
- l) support and implement the priorities identified in the RCN's equality, diversity and inclusion strategy as appropriate, and ensure that principles of EDI are embedded within the Committee's work plan and the ways of working of the committee.
- m) to develop and implement within the Committee a positive learning and evaluation culture undertaking regular Committee and individual member self-assessment reviews as well as relevant learning and development to ensure members are effective in their committee role, and to ensure they are able to provide relevant advice and expertise.
- n) to promote and role model behaviours in line with the RCN's *Code of Conduct, Respect Charter and Regulation on Fit and Proper Persons*.

4. Reporting and accountability
 - 4.1 The RCN Trade Union Committee is responsible and accountable to RCN Council for all aspects of its governance responsibilities.
 - 4.2 Formal minutes of meetings will be kept and approved at subsequent meetings of the Trade Union Committee
 - 4.3 In accordance with Rule 2.3 in the *Royal Charter* the deliberations of the Committee shall be reported to Council and any resolution passed or decision taken shall be reported to Council.
 - 4.4 Key messages from the Committee's meetings will be disseminated to country and regional boards, to the representative committees, and to the wider membership via the RCN website and other communications channels as appropriate.
 - 4.5 Formal minutes of meetings of the Committee will be included in Council papers for information. Associated papers will be made available to Council at their request through the Chair of Council.
 - 4.6 At the request of Council, the Chair of the Trade Union Committee will attend a designated section of Council meetings to deliver regular Trade Union Committee updates.
 - 4.7 The following Committees shall report to and be accountable to the Trade Union Committee:
 - The UK Learning Representatives Committee
 - The UK Safety Representatives Committee
 - The UK Stewards Committee
 - 4.8 The Committee may set up such sub-committees or other groups as it thinks fit to further its work, but these shall be approved by Council.
5. Meetings and quorum
 - 5.1 The RCN Trade Union Committee will meet at least quarterly. The dates of the meetings shall be agreed by RCN Council in the year preceding that in which the meetings are to be held.
 - 5.2 Special ad hoc meetings may also be called if the business of the RCN Trade Union Committee is of such urgency that it cannot wait until the next scheduled meeting.
 - 5.3 The quorum for decision-making is half the Committee.

- 5.4 The rules and procedures in the *RCN Meetings policy and process* apply to this Committee.
6. Membership
- 6.1 There shall be 14 members of the Committee as follows:
- One RCN Accredited Representative in the Nurse category of membership from each of the RCN's twelve countries and regions.
 - One RCN Accredited Representative from the Nursing Support Worker category of RCN membership.
 - One member from the Student category of RCN membership.
- 6.2 Further eligibility requirements are set out in the *RCN Elections policy* and in the specific election procedure for each election which is held.
7. Observers
- 7.1 Observers may attend meetings at the discretion of the Chair and the agreement of the Committee. Observers can speak and/or participate in the meeting only with the permission of, or at the request of, the Chair.
- 7.2 Individuals attending in observer status will receive those papers relating to the areas relevant to their observer role.
- 7.3 Observers will not usually attend private or confidential sessions of the Trade Union Committee.
8. Election/appointment to the committee
- 8.1 Elections/appointments to the committee will be conducted in accordance with the *RCN's Elections and Appointments policies* and with the specific procedure for each election/appointment.
- 8.2 Half the Committee will be elected every two years.
9. Terms of office
- 9.1 Terms of office will be for four years except for casual vacancies which will be to the end of the vacant term.
- 9.2 Members of the Committee are asked to commit to serving their full term once elected and not stand for another RCN role if that

meant they would need to stand down from the Trade Union Committee mid-term.

- 9.3 The *RCN Regulation on Terms of Office* shall apply in respect of serving more than one term.
10. Mid-Term (casual) vacancies
 - 10.1 A casual vacancy on the RCN Trade Union Committee shall be filled in accordance with the *RCN's Process for filling casual vacancies*.
11. Chair and vice chair
 - 11.1 In accordance with Rule 2.2 in the *Royal Charter* the RCN Trade Union Committee shall have a Chair. A Vice Chair shall also be elected.
 - 11.2 The Chair and Vice Chair shall be elected every two years by the members of the Committee from amongst the members of the Committee.
 - 11.3 The terms of office for the Chair and Vice Chair shall each be for two years.
 - 11.4 The *RCN Regulation on Terms of Office* shall apply in respect of serving more than one term.
 - 11.5 The Chair and Vice Chair must relinquish these roles at the end of the term of office for the role, or if, for whatever reason, they cease to be a member of the RCN Trade Union Committee including reaching the end of their term of office on the Committee.
 - 11.6 The process for the election of Chair and Vice Chair will be conducted in accordance with the *RCN's Election policy*.
12. Staff support, advice and guidance
 - 12.1 The lead Executive Director will be the Director of Employment Relations and Legal Services who will ensure support and advice to the Committee from that directorate as appropriate.
 - 12.2 Committee members and staff will work together positively and constructively, in line with the RCN's Respect Charter, to deliver the purposes of the Committee and within the Operating Framework**.

12.3 In the unlikely situation where key professional advice presented by staff is not accepted by the Committee, the advice and reasons for not accepting the professional advice will be fully documented in the minutes of the meeting. Should the responsible director conclude this position poses a risk to the organisation and its members, the circumstances will be brought to the attention of the General Secretary/Chief Executive who will assess the seriousness of the position and advise the Chair of Council accordingly. Should a resolved position not be reached the matter will be escalated to Council for a determination on the way forward.

12.4 The Associate Director Governance will ensure Secretariat support from the Governance team.

13. Removal from the Committee

13.1 A Committee member may be removed before the end of their term of office on the grounds if they:

- a) have exceeded their powers in a way that is detrimental to the RCN
- b) have failed to discharge their duties
- c) have acted in breach of the RCN's Code of Conduct and/or Respect Charter
- d) have acted in a manner likely to bring the RCN into disrepute
- e) they have failed to attend three consecutive meetings (excluding special ad hoc meetings)
- f) have any active cautions from the NMC, or other regulator, against their name, are currently subject to any NMC, or other regulator's, sanction, and/or they are subject to any ongoing disciplinary proceedings with any of their employers or professional disciplinary proceedings before the NMC or another regulator.
- g) are subject to ongoing disciplinary proceedings in respect of any role they hold at the RCN and/or currently subject to any RCN disciplinary sanction.

13.2 The processes for such removal will be in accordance with the Member Resolution policy

These Terms of reference will be reviewed annually and were approved by the RCN Council on 27 July 2022 and amended on the 27 September 2022.

They will be reviewed at the first meeting of the Trade Union Committee in 2023. Any recommended changes will be subsequently approved by RCN Council.

They should be read in conjunction with the *Operating Framework for RCN Committees*** and other documents referred to above.

*Note – these terms of reference are subject to ongoing change in line with the implementation of the recommendations of the Council-led governance review (2022). *Scheme of delegation under revision. ** Operating Framework for Committees in development [July 2022]*