

Independent Review of the Culture of the Royal College of Nursing

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Introduction

In September 2021, I was appointed by Council and by the Chief Executive & General Secretary to conduct an independent review into the culture of the College. The announcement of the review set out the specific matters that I was asked to examine as follows:

“Changing the culture of an organisation is key to long-lasting and meaningful transformation. Recommendations are being sought from a wide-ranging and external review, which will thoroughly scrutinise the College’s:

- Decision-making and accountability
- Financial management
- Equality and inclusion
- Management of departure of staff and elected members
- Allegations of sexual harassment
- Roles and responsibilities of staff and elected members.”

Given that the Review covers the culture as it currently stands at the College, the time frame for my investigation runs from around 2018 to the present day. In that context, whilst I did receive evidence relating to earlier periods, such evidence was of limited value in understanding how things are now and have been in the more recent past.

Written submissions were invited with a deadline of 21 November 2021.¹ Once that deadline had passed and an initial review conducted of the over 130 submissions that had been sent in, I began the lengthy process of interviewing key stakeholders. I conducted a total of over 60 interviews with members and staff (both current and past), totalling approximately 120 hours. Many of those interviewed had also sent in a written submission.² Each interview was recorded and transcribed in order that I had a proper and complete record of everything that had been said. I gave each interviewee a promise of confidentiality and assured them that that they would not be directly identified in my report save in relation to information that was already in the public domain or otherwise with their express consent. For those reasons, the evidence that I have set out below is given by reference only to whether the person concerned is a member (elected or not) or staff (current or former). That said, there will be instances in which individuals are capable of being identified – at least by the individuals themselves – whether they be victims or perpetrators of inappropriate behaviour.

A number of individuals have also provided me with extensive information about matters pertaining to their own employment grievances or similar. It is not part of the remit of this Review to investigate those in detail, but I have taken them into account to the extent they signify or support a wider cultural issue. Whilst therefore, many of those particular cases do not feature expressly in the findings or conclusions that I have reached, I do not think that I could properly have conducted this Review without their contributions, and I am therefore extremely grateful to all of those concerned who took the trouble to write

1 I have tried not to be over-zealous in sticking to this deadline and have not declined to look at any material that has been provided after that date.

2 I did not interview every person that provided a written submission.

to me about their personal experiences. Many of the issues raised by them are highly personal and it cannot have been an easy exercise to commit themselves to setting those issues out to me.

As already stated, in writing this Review, I have quoted extensively from the evidence that I have received whilst trying to ensure that the extracts are not 'outliers' but rather are examples of consistent themes readily identifiable from my investigation. The themes that I explore come from those who have provided evidence to me – the conclusions that I have reached as to the prevailing culture are not therefore my own as much as a simple reflection of the views and sentiments of the people to whom I have spoken or who have provided written information to me. In short, I have attempted to do no more than hold a mirror to the organisation and record what is visible in it.

Executive summary

Whilst I am beginning this Review with an Executive Summary, I wish to emphasise that it is exactly that – a summary – the exercise that I have conducted cannot properly be reduced to a few pages or paragraphs. The reasons why the Royal College of Nursing (“RCN”) has the culture and faces the problems that it does are complex and interconnected – a proper understanding of why I have reached the conclusions and made the recommendations that I have, can only be obtained by reading the entirety of this document and not confining attention to the Summary which now follows.

It is also important to emphasise that whilst the Review was announced as one looking into “the culture of the organisation”, it is unrealistic to think that one can define the culture of an entity that has close to half a million members spread across the four corners of the United Kingdom, employed in both the public and private sector and at all levels within the profession. For that reason, this Review necessarily focuses primarily on the culture that exists at the level at which decisions are made that affect that membership. Whilst the work that I have carried out is not exclusively by reference to RCN Council and Executive, it is at that level that most of the problems that the College faces are identifiable, and which then have the greatest impact across the membership.

In addition, it is right that I emphasise that, as far as has been possible, I have avoided making findings of fact where there are disputes between individuals and factions within the College – rather, I have let the interviewees speak for themselves. This report is lengthy and contains substantial extracts from the evidence that I have received – I make no apology for this. It is the words of the interviewees that best describe and characterise the prevailing culture rather than my own interpretation of them or any conclusions that I might come to as to the rights and wrongs of the many specific issues which cause dysfunction and division within the organisation. I should also emphasise that whilst the evidence on which I have relied comes from the words used by contributors to the review, I have relied on it only to the extent that it is indicative of an identifiable aspect of the culture at the College – I have not relied on apparent ‘outliers’ whose views or concerns are not more widely shared.

The RCN has been described as being “in a state of crisis as it goes blindly from one catastrophe to another without any respite in sight”.³ On the basis of what I have seen, it is difficult to argue with that assessment. Whilst there are signs of improvement over the past 12 months or so,⁴ the description that was given to it by many of those who I interviewed for the purposes of this Review is exemplified by the following:

“My line would be that the organisation is addicted to a crisis and seeks out the next crisis in the absence of an actual strategy and plan.”

“It just feels like another crisis comes and we are just fighting around that but not dealing with the issues that are in front of our face”

“We actively seek out the next crisis because otherwise it is glaringly obvious we don’t have the core reason for what we are doing.”

3 *British Journal of Nursing* 12 August 2021

4 In that much of the toxicity and disharmony that was evident in and around 2020 has dissipated.

To summarise the key problems as I see them based on the evidence that has been provided to me:

- There is indeed a focus on crisis management which is exacerbated by the absence of a clear understanding of what the College should be doing as an organisation and how that should be put into practice. It does not appear to have an overarching plan or strategy.
- It is an organisation which at its top, is riddled with division, dysfunction and distrust. Whilst the distrust is most prominent relation to the RCN's Council and its Executive, it extends to relationships within Council and within the membership as well as between its professional and trade union arms.
- The effects of the fundamental lack of trust between Council and Executive can be summarised as follows:
 - There is a culture of suspicion within Council in which it does not believe that the Executive is acting in the best interests of the members and in which it sees itself as being forced by the Executive into taking decisions that the Executive wants it to take rather than making its own decisions;
 - This in turn has led to Council moving from being an oversight body into an executive function which has caused it to subject RCN staff to high levels of scrutiny and criticism. To push back at the perceived excesses of the Executive, Council will often use the mantra of being 'member led' in circumstances in which there is in reality, no shared understanding of what this actually means or how it is to be applied in practice to decisions and challenges which the College faces;
 - It has also led to a lack of scrutiny and due diligence in the making of key decisions – rather than decisions being made after a proper process of scrutiny and consideration based on input and recommendations from the appropriate members of staff, they are taken 'on the hoof', leaving staff with the task of then trying to implement them;
 - The consequence for RCN staff is that they often feel bullied, disrespected and undermined – as evidenced by the remarkably high turnover of staff, particularly those in senior positions;
 - That this has occurred, results primarily from a lack of proper operational governance and a lack of understanding by members of the true role of Council. Council members often take up their appointment with little or no experience of operating in a governance function – there is no formal or comprehensive training provided in what their role involves and how they should operate in relation to the Executive;
 - The culture of suspicion is further driven by fear of the next Emergency General Meeting (EGM). Both staff and Council members alike operate in an atmosphere in which they expect that their decisions will lead to a revolt from active groups within the membership who, due to the threshold requirement of 1,000 votes, are able to trigger an EGM as has been done twice in the last four years. This in turn causes organisational paralysis.

- The make-up of Council does not reflect the membership of the College – despite recent improvements in the gender balance, it is still nearly 60% male whereas the membership is almost 90% female. As far as ethnicity is concerned, it is no better and the current Council is not reflective of the fact that around 45% of RCN members are from the BAME community. Many of those who serve on Council are seen as being “the same old faces” who have operated in the upper echelons of the College for many years. This, together with the lack of women or ethnic minority members, permits of a culture in which the College is seen to be run by middle-aged, white men. The substantial number of resignations from Council in recent years has only served to reinforce this perception. If RCN members do not feel that the College looks like they do – whether it be by reference to gender, ethnicity, sexual orientation or disability – they will at best not engage with and be active in it and at worst, will take their membership elsewhere.
- The cultural consequences of this are that Council itself is seen by many – whether they be staff, female Council members or ordinary members – as a misogynistic environment in which loud and abrasive male voices dominate the environment to the detriment of women. It’s current composition and way of doing business is not fit for purpose.
- On a broader level, Council again does not reflect what the College is and does. The culture and membership of Council is one of a public sector trade union committee. That would be fine except that the College is not only a trade union and does not draw its membership exclusively from the public sector. The College has a Trade Union Committee (TUC) which is “accountable to the RCN Council and makes decisions on its behalf on all the RCN’s trade union functions and activities.” Whilst the TUC is accountable to Council, the latter should have an oversight role only in relation to the former and should not operate as a de facto second Trade Union Committee, particularly given the fact that it also has equal oversight in relation to the Professional Nursing Committee (“PNC”).
- The division as between the trade union and professional arms of the College is felt particularly acutely by the latter. It is a point that was touched on by KMPG in their recent review, but it is an issue which in my view has come more clearly to the fore in the course of my investigation. There is also on the face of it, a gender issue here – on the trade union side, it is generally the case that the more senior the body to which members are elected, the greater the preponderance of men. The same is not true of the professional side. The concerns of that side of the College also extend to Congress where it is felt that the branch structure means that the bulk of votes come from the trade union side.
- The College promotes itself under the mantra of being “member led” in circumstances in which there is no clear understanding of what that actually means in practice in an organisation that has nearly 500,000 members operating across both the public and private sectors and whose interests will rarely if ever, be shared across the entire community. The effect of this on the culture of the College, is that the phrase “member led” becomes a tool for pushing back on recommendations that have been made by the staff or Executive but also at the same time, operates as a sword that dangles over the heads of both the Executive and Council in the form of a threatened EGM.
- Whilst there have been changes in personnel – both within Council and within the Executive – and whilst the febrile atmosphere that was particularly prevalent

2020/2021 has substantially subsided, unless real change is achieved in terms of improving the culture of the College, there can be no guarantee that the extraordinarily dysfunctional situation which prevailed then, will not return.

- There is a real issue that needs to be addressed in relation to the culture of Congress. The evidence that I have seen suggests that there is a level of expectation amongst a significant number of (male) attendees that opportunities for sexual activity will present themselves at Congress. As a consequence, the boundaries between consensual and potentially exploitative sexual activity are at risk of becoming blurred if they have not already done so. That Congress is seen as a place at which there is, for at least some attendees, an expectation of, or an opportunity for, sex to take place, means that there is also the opportunity for alcohol and power-related exploitation of the vulnerable.

To assist the College in trying to address the problems and issues that I have identified during the Review process, I have set out at the end of this report, a series of recommendations. I have not sought to do this on a topic-by-topic basis as many of the suggestions cut across a number of the specific issues that I was asked to consider.

This Review follows hard on the heels of the publication of the KPMG Report on Governance. Many of the 'cultural' issues that have been apparent during my Review were also identified to a greater or lesser extent by KPMG. This is unsurprising – culture does not develop in a vacuum but does so within the governance and structural environment in which it operates. Where the governance framework is not fit for purpose and/or is not properly understood or respected by those operating within it, problems of culture develop. For those reasons, a number of the recommendations that I have made have either build on, or been reinforced by, those made by KPMG. Equally, much of what I have seen in attempting to understand the culture at the RCN, serves to emphasise the importance of many of the recommendations made by KPMG and as will be apparent from the final section of this Review, I have endorsed and/or sought to expand on, many of their suggestions.

Governance structures

The RCN operates under the terms of a Royal Charter (“the Charter”) which was last amended in March 2012. Its Objects, as set out in the Charter, reflect the fact that it is both a trade union and a professional organisation. It is restricted from the making of payments to members (including Council members) save in relation to out-of-pocket expenses or for services rendered. It establishes the Council which is to have “the general control and management of the administration of the College”, with its composition, procedures and size set out in Standing Orders. It provides for the appointment of a single Chief Executive and General Secretary “who shall be the Chief Executive Officer of the College”.

The Charter also sets out the College’s ability to “adopt or amend Standing Orders for the internal governance of the College by a Special Resolution of the Members”. In turn, Council has the power to “adopt or amend Regulations to supplement the Standing Order by a Special Resolution of Council”. The Background to the Standing Orders is still more explicit as to the dual role of the College stating:

“As a Royal College the College is obliged to provide education and training commensurate with its role. The governance structure has to reflect this role. At the same time, the College is also one of the largest trade unions in the country. Hence within the College there are two distinctive strands of activity which reflect the fact that the College is accountable to two principal regulators. The Privy Council for Royal College status and the Certification Officer for Trade Union status.”

The Standing Orders also deal with the composition of Council and the method of election as follows:

“7.2 There shall be 17 Council Members comprising the President, Deputy President, 14 Council Members elected in accordance with the Standing Orders and the Chair of Congress ex officio. The Chair of Congress shall be a no-voting Council Member.

.....

7.4 For the purposes of nomination and election to the Council, there shall be fourteen constituencies, nine regional constituencies in England, and a country constituency in each of Scotland, Wales and Northern Ireland, a student constituency, and a Nursing Support Worker constituency. One Council Member shall be elected in each constituency.”

Most – but not all – of those who sit on Council tend to come from a trade union background. They have tended to come up through the ranks of union activity first at branch and then regional or country level. Other than the seats reserved for the student and nursing support worker members, there are none reserved for any specific groups within the College, for example women or those from the LGBTQ+ or BAME communities. Whilst from a gender perspective the current make-up of Council is not as imbalanced as it has been on occasions in the past, there is still a preponderance of men, notwithstanding the fact that the RCN membership is roughly 90% female. At the time of writing, there is just one Council member who is from a BAME background. There have been a number of resignations from Council by BAME (and female) members in recent years. There are no seats specially reserved on Council for those whose experience in the College is on the professional rather than trade union side.

Council members can serve for up to 12 years, albeit that there must be a break in service after two four-year terms.

Whilst Council Members are generally elected for a four-year term, the President and Deputy President hold office for a period of two years (although they are eligible for re-election for a further two-year period). Council meetings are required to take place “at least three times a year.”

The power to call an EGM is found in paragraph 13 of the Standing Orders. Whilst Council itself has a discretion to call such a meeting, it is required to do so if “at least one thousand Members” sign the appropriate requisition. One thousand Members represents approximately 0.2% of the current membership – it is an extremely low threshold when compared to other similar organisations. There is no doubt that this low threshold has a significant impact on the functioning and culture of the College. I deal with this point in greater detail below in the section headed “The EGM threshold”.

The RCN has faced two EGMs within a two-year period, the requisite 1,000 members having come forward on each occasion. These two events have been instrumental in creating and defining the culture that is currently to be found within the College.

Are Council members properly equipped to carry out their role?

Unease about the ability of Council members to deal with the enormous and complex demands which are placed on them was a consistent theme raised in the evidence that I received. Members will arrive on Council as a result of having won an election rather than by a process of appointment based on suitability and skills. That is not to say that Council should not be made up of members of the College who are elected to their positions – it would be impossible in my view, to regard the RCN as being member led if Council roles were filled by external appointment rather than by internal election. Nevertheless, given the significant concerns that have been raised with me about the way in which Council has functioned – or rather has not functioned – over recent years and given the consequences that this has for the prevailing culture at the College, it is something that cannot simply be put to one side and ignored.

New members arrive on Council without any specific training or formal induction process and often no relevant experience in their role. At best, the process is informal and unstructured – at worst it barely exists at all. The consequence is that new Council members may find themselves reluctant to contribute to debates for fear of demonstrating their lack of knowledge of RCN governance or the particular issue under discussion. This in turn reinforces the position of those who have been on Council (and/or in other senior elected posts) for many years – they are able to speak as the voice of authority – they can and do dominate the debate. A newly elected Council member may find themselves facing a strong, long-established body of men, with alliances already formed between particular groups of entrenched colleagues.

To illustrate the point, I will again refer to some of the evidence that I have received. The fact that this evidence comes from Council members themselves is significant – it cannot be said that what is set out below represents a negative view of Council which is held only by the Executive:

Former Council member:

“You have a governing body where people had very little experience of working in your field in senior level positions, who had no knowledge of how things worked strategically, how to work politically and how to influence at the most senior levels, are making decisions for your body, without anybody being able to say well actually hang about, wait a minute, what about and what if we think about doing it this way, or what if we try to work it that way. It’s a disaster. It’s disastrous.”

Council member:

“It’s this whole lack of maturity I think, and we expect people to come onto the governing bodies like Council with no training, no mentoring, no coaching. I’ve been around, and have worked at a senior level for years and I find it quite daunting some of this and I think understanding their role, understanding things like risk appetite and risk assessment, decision making, is something that is just not embedded yet in the Council.”

Council member:

“What I would say, and I would highlight this, there is a question for us as an organisation about how we bring people forward: how do we encourage people to have the confidence to stand, and how do we do that in a way that recognises the workload and the skills that may be needed and develop those individuals?”

For example, if you are asking somebody to take on a role on a board of the largest nursing organisation in the world, what skill set do you need to get them there? How do we develop people to go into those roles?

In recent years is some individuals have come forward to stand for Council and then have subsequently stepped away because they found the role daunting. So, there is something for us as an organisation about how we develop and grow the pool of people who can then come forward into whichever selection election process that comes forward.”

Council member:

“The fact that you can be re-elected, re-elected, re-elected, does not develop your pool of talent or your expertise.”

Council member:

“Occasionally you get this with the non-Execs, you get an over-reaching, so you get into the operational detail of things when actually your job is to govern, but then why would they know how to do that because we’ve never trained anybody to do that, we just expect people that have been stewards or activists and sometimes have been elected unopposed to just know all this stuff and they don’t because this is new. I think people need much more clarity about their role, what their role is and what it isn’t, and we need to be providing support, education, coaching, counselling and really embedding what civility is about and a bit more kindness. That for me is the fundamental issue that’s going on here.”

Council member:

“So, I thought we should have a little bit of induction course for a day or half a day to explain the things. Because for the first two or three meetings, I felt like I didn’t even know if I was supposed to speak or not to speak.

I am a Council member; I am expected to take all of these decisions, but I am not briefed on what things are, I am not briefed on the entire structural things on how things work at a higher level, but then I am expected to contribute or vote on those decisions. There, I wasn’t comfortable because, as a nurse, you wouldn’t do any task in a clinical area which you are not competent to do. Yes, it is an elected role, but then there should be some kind of mentoring or even a day’s session as to say, ‘Look, this is the Council – this is what it is. These are the things you may come across – these are your responsibilities’. Nothing. All we get is maybe a file or something.”

Council member:

“Apart from a couple of one-to-one chats with the Chair of Council, I’ve had no training, just some informal support. I’ve been learning on the job, I’ll be honest.”

Council member:

“I’ve got an impression of what I need to do on Council but in terms of what I should actually be doing is unclear. I don’t really know. I’ve tried to find out, I’ve got a sort of idea because it was in the induction pack but in terms of the actual roles and responsibilities it’s a moot point. It should be much clearer what my responsibilities are and role is within the College. And, if it’s happening for members of Council which is very important, then it’s happening at other levels.”

Former Council member:

“When I first went to become a member of Council, you don’t really know what the role involves. I had half an hour’s discussion from the Chair of the Audit Committee on what good governance was, but I’d asked to go on a course to the Institute of Good Governance so I could understand how a big organisation like this should run – that was never followed up. I want to be trained, I want to develop some kind of expertise and understanding what good governance looks like for an organisation of this type and have exposure to it and that was never followed up.

When I was finding it quite difficult to influence, I asked for some coaching to help me do my role. I was told no, that was never followed up – there was no follow through, there was no grip.”

The difficulty was accurately summed up by one staff member as follows:

“I think people struggle with the idea that once they’re on Council they’re not representative, they’re there in their own right as a governor, they’re not supposed to be representing a particular group or person or whatever, they’re elected by that constituency but that’s what they’re there for. Then in terms of investment, given that you don’t have to really have any committee experience, any governance experience, any finance experience, none of those things, we don’t really prepare people either through induction or through a development programme very well. Again, I think that is in the process of changing, we’ve just been discussing a development programme and all of that, proposals around all of that with them but it has been pretty basic to-date.”

And to similar effect, another staff member:

“The Council are never told what their role is or what they are here to do. They have never got a clear induction around the decisions they will be asked to make. So, they have no idea what their governance rights are for the organisation. Whether they’re right or wrong or indifferent is another debate, but they’re never walked through, either individually or as a team, what ‘good’ looks like for a Council of an organisation like us.”

Moving on from this is the question of whether Council is actually the right shape and size for the College. Does it properly represent the membership when it is largely drawn from a trade union, NHS base? There is very little representation from the private sector or from the professional side of the organisation. There is also a real issue as to whether the reduction in the size of Council has been a success. Take the following evidence from the professional side:

“When there used to be two people on each you had a wider pool of people making these really important conflict decisions. Now you are left with the people, who’ve won the popularity contest by being big trade union voices, making decisions for the whole College: professional body and trade union. I find that insanity. It’s not enough people to make key decisions.”

And from a Council member:

“Our protected characteristics can’t just be about race, sex, ethnicity or whatever, our protected characteristics have to include more junior members, more junior nurses, so younger people and also nurses who work outside of the NHS, there are only one or two Council members who don’t work for the NHS for example. 40% of our members don’t work for the NHS, so there’s a huge engagement issue there because they think well it’s not for us and the RCN has been NHS centric.”

It has been suggested by some stakeholders, that the College should move away altogether from the present system of election to Council and should instead have a formal selection process based on a carefully drawn up ‘job description’. For what it is worth, my concern would be that this would firstly, not be acceptable to the membership as a whole and secondly would run the risk of creating a de facto second Executive with the risk that the already evident distrust then just spreads and operates at a different level. Nevertheless, as is clear from the Recommendations that I have made, the composition of Council and the training of its members is a crucial issue that needs to be addressed.

The RCN as both professional organisation and trade union

Related to my comments about the make-up of Council, is the issue that the College is both a trade union and a professional organisation. That the College has this dual function is both a strength and a weakness. In terms of its strength, it meets the needs of a wide section of its membership by allowing them to become involved in forum activity⁵ as well as being able to fall back on the employment protection that comes with membership of a trade union. In addition, the development of issues in the professional context can then provide an impetus to the debate from a trade union perspective. An obvious example of this would be in relation to safe staffing.

In terms of weakness, there is a clear perception among those who operate on the professional side that they are the ‘poor relations’ within the College and that there is an imbalance in favour of trade union rather than professional activity. On the trade union side, and certainly amongst some activists, there is a clear wish to see the College split into two separate entities. The need for the two sides of the organisation to work effectively and in harmony however has been recognised by at least some members of Council:

Council member:

“There’s a concern that if you have too many individuals from the trade union side, that what is seen as the professional side of the College, is overlooked: if you get too many coming from the professional side of the College, and not enough from the trade union side, then the industrial relations side, the pay and conditions side, is lost to a degree. So, critically, there’s this aspect for us about how we have that balance within the organisation, and it was partly why the Trade Union Committee and the Professional Nursing Committee were established, to enable us to have the right focus at a senior level, and then allow Council to focus on the strategic issues.”

The fact that the two sides do not achieve the required balance is evidenced by the following quotes.

Council member:

“I think there will always be a more trade union part than a professional part, that’s why the Council in their review a few years, that’s why they split Council down from two members in each region and they formed the Trade Union and the Professional Nursing Committee so that they would have that focus on the professional side. But obviously if they feel it’s not working then that’s something they need to be saying and raising. If that’s how they feel then obviously they’ll need to do something about it because it’s important for our membership to have that professional part, that’s why the College is so unique because it has that professional body.

Former Council member:

“The professional side hasn’t evolved and if I look at similar organisations that only do the professional side and I’m thinking about the Queen’s Nursing Institute that is a lobbying research organisation, really influential, I don’t think the RCN on the

5 There are around 200,000 RCN members who are active within the Forum communities.

professional side has evolved in the same way. But more than anything else I want people who are open and honest and truthful and actually my experience of Council was that it was not open, it was not honest, it was not truthful.”

Former Council member:

“I think the trade union function whenever there’s a pay deal and there’s one practically every year, there’s so much energy and effort that has to go into submission of review, evidence, going through the Government cycle – it actually dominates the landscape. So it’s quite difficult for the professional voice to be heard through the clamour about pay to be quite frank, and I think I’ve become even more confirmed in that view having been inside the RCN itself.”

Council member:

“I think there’s a big division at the moment between the professional side and the trade union side. I think the professional side have been flexing their muscles a bit, understandably because they feel that we’re too much of a trade union organisation. I think there’s difference in the way that we treat people, so on the trade union side it’s all by elections, on the professional side it’s all by appointments. So the professional people would say ‘well elections are just like personality shows’ and the people on the trade union side would say ‘well appointments are just giving your mate a job’. I think that conflict has not been resolved. I think how we spend money in the organisation I think the professional side again are very unhappy with that, but the reality is most people join the RCN as a trade union. They may pick the RCN over Unison because we have the professional side but most people join, out of the half a million the overwhelming majority have joined for trade union protection and that’s difficult for the organisation to manage because we try to be equitable between the two sides.”

Staff member:

“The representatives on Council who come from that trade union background, drown out the voices of the professional side. I would say that that has definitely been, over the last six years, that I have seen.

Increasingly so, yes, and I suppose it has become within the last year/18 months has become incredibly apparent. And it just so happens that the Council representatives who have that – who come more from the professional side of practicing, nurses as well, actually – generally tend to be the female members of Council, generally tend to be those that have been dismissed by the trade union side of the Council, who generally tend to be the men.”

The concerns of those working on the professional side are exemplified by the following observations from a number of the forum chairs:

“The trade union arm was getting, I would feel, a much stronger representation and influencing the shape and workings of the College, disproportionately to what I believe the College should be which is, at best, a 50/50 mix of professional and trade union function.

“And you have lots of people from a strong trade union background who are making up Council. If you have a look at the structure of other Royal Colleges, for example

the Royal College of Midwives, you have an appointed board of non-executive board of directors which has a much more professional feel to it.”

“Now, obviously, I understand that we are also a trade union, but the fact it is elected, it almost becomes a popularity contest and the people who have had the most voice and traction within the RCN have been those are seen to be big trade union voices.”

“So professional agenda gets pushed aside in favour of trade unionism and I understand we have a dual role, but we have a purpose to really – if you ever look at something like the Florence Nightingale Foundation, at the moment that is really leading the vanguard for nursing leadership and they are really holding the banner now where the Professional College of Nursing should be. We have been left behind and it will take years to catch up with what they are doing.”

“Well, I would argue those that were professionally engaged have grown tired of never being listened to and have gone elsewhere. So the reason we are so frustrated is because we are the remaining people here trying to make it work, but as someone very early on in my nursing career – if there is not a seismic shift in the way the Royal College operates – I will leave.”

“The Royal College function is sort of disenfranchised and disadvantaged as has been explained because the branch structure is resourced because of it being a trade union activity, so you’ve got a full time officer, you’ve got employment recognised status of some of the roles, the Learning Rep role, the Health and Safety Rep role, all of which every single one of us would say are important in terms of creating an appropriate employment environment. We are not in any way disregarding the importance or the significance of the trade union activity, but more about the disparity and the unevenness of results of that. So employers have to recognise the trade union function, they get a seat round the table, and then there’s literal, physical administrative resources and time out. That doesn’t apply to the College side. So we are equally volunteers but it’s not endorsed or supported by employers in the way that the trade union activity is. So, there’s an unevenness in terms of how to do that engagement and therefore our brows furrow and we’re perplexed so when you say member led what exactly do you mean? When you say member engaged what exactly is meant by that and is it an equal and level playing field so that there is a joint and shared narrative about the function of the College and equal opportunity to influence the College, and our sense is that there isn’t an equal opportunity, that the narrative is skewed because it’s almost inevitable because of the way that the structure is put together.”

It is not for me to determine how the College should operate as between the twin priorities of its trade union and professional function. But if it is to be truly a “member led” organisation which is there to serve those members from both trade union and professional perspectives, it needs to demonstrate that both side of the organisation are equally valued and are functioning as they should. That equality is not evident at present but rather provides further evidence of division within the College. This needs to be resolved if the culture of the organisation is to improve and move away from the prevailing situation where those on the professional side feel marginalised and disenfranchised. I have made some recommendations as to how this tension might be reduced but it is fundamentally a matter for the College to debate and resolve.

There is however a prior and equally fundamental issue which the College needs to resolve so that it can move forward. The ongoing debate on the possible division of the College needs to be comprehensively resolved – and resolved by the members of the College. If the view of the membership is that it should remain as it is, then that decision needs to be respected and those who have other ideas and wish to see it operate solely as a trade union, need to recognise that they are in the minority and should not continue to lobby for division.

The cultural consequences of not addressing and resolving the questions that result from this divide are significant. As already stated, there is undoubtedly an active group body within the membership that would actually like to see the College split, with the two sides going off in their own directions. The impression I have is that this debate and activity takes place under the radar and is extremely divisive and unhealthy. One staff member gave me a graphic account of this as follows:

“At Congress a couple of years ago [a union activist] invited me to come sit down and have a drink. I said I didn’t want a drink but was happy to sit down for a bit – I didn’t know him very well.

He told me that his intention was to get [the Chief Executive/General Secretary] fired. He told me that his intention was to split the College in two.

He told me that his vitriol was for not just [the Chief Executive/General Secretary] but for the way the College was operating – I have rarely witnessed that kind of venom first hand – it was palpable and seated next to [him] was [a member of the TUC]. So [the TUC member] was seated there listening to this story and [the TUC member] started to cry. It looked as if it was the first time he had heard these expressions out of [the union activist]. I was really gobsmacked by what I was hearing so I just listened as [the TUC member] challenged [the union activist] to understand what motivated him to seek this kind of agenda and [the union activist] said ‘We have a plan and we are going to get on it. The first step is getting [the Chief Executive/General Secretary] fired and once we get her fired we will progress with the next steps.’”

One additional but significant point that was made to me during the investigation – and which seems to me to have considerable force – is that whilst the person elected to the position of President will often come from a professional background, the appointment is only for a period of two years. Although the incumbent will be eligible for re-election (on one occasion), the two-year period will pass very quickly. As it was put to me by one former Council member:

“It takes a year at least, maybe 18 months to figure out how things work and how you would like to work by which time you are into re-election. It’s as if the position were designed for impotence, never for anyone really able to hold sway – it’s a role that is not really designed for exercising power and influence. You spend six months bedding yourself in, you’ve then got about a year to have an impact and then you’ve got to sell yourself again at the next election.”

The result therefore is that where there is a person from the professional side of the organisation who sits on Council in the role of President, their opportunity to make something of the role is limited.

The EGM threshold

As already noted, the RCN Standing Orders requires an EGM to be called based on 1,000 votes – just 0.2% of the members. That figure has remained unchanged for many years even though the membership has grown substantially. In addition, it dates back to a time in which there were not the same means of communication available to members.

Having attended the RCN AGM this year, it is readily apparent to me that the threshold is regarded as sacrosanct by many RCN members. However, it is important to look first at how this compares with other unions/colleges and secondly, and perhaps even more importantly, at the negative and destabilising impact this has on the way in which the College functions in practice.

As to the first issue, looking at EGM limits that one sees elsewhere:

- The Royal College of Midwives (“RCM”) has a membership of around 48,000 – so about 10% of the size of the RCN. It is required to call a general meeting “if required to do so by the members under the Companies Act”. The Companies Act sets the threshold at 10% – so roughly 4,800. The net position is that the RCM is 10% of the size but has an EGM threshold of nearly five times that of the RCN. To put it another way, if the RCN operated with a similar threshold, it would require 48,000 votes before an EGM could be called as opposed to the current position of just 1,000 votes;
- Unison requires votes from “branches representing not less than 25% of the Union’s membership.” Whilst the threshold is set by reference to branches and not members, it does show that a substantially higher level of support is needed before an EGM can be called;
- The BMA has a lower threshold requirement than the RCM, set at just 1% of the membership but even that, if applied to the RCN, would result in an increase of nearly five times the current figure;
- Prospect requires a special conference to have the support of branches to which a quarter of members belong (similar to Unison);
- The Irish Nurses and Midwives Organisation (“INMO”) sets the limit for a Special Delegate Conference at one quarter of the membership or ten branches. Given that it has around 35,000 members, the threshold is around eight times that of the RCN even though the Organisation is about 7% of its size.

It is clear that the RCN is way out of step with other comparator organisations.

As to the effects of the limit, I will again, let those involved speak for themselves:

Staff member:

“Decision-making is driven by a fear of a further EGM, a fear of the membership.”

Staff member:

“The first effect of the EGM threat is at Exec team level ‘are we going to keep our jobs?’ – that is the first thing, at Exec personal level. And you are checking the wording of everything that is going through? Every day is all about the EGM and what it might, or might not, say, and what the vote might or might not be.

The second point is then the impact it has on the teams and the staff – because of

previous experiences, they believe that the majority of the Executive will leave. They believe that I would leave because why would I put up with this, etc when I have come from another organisation, I've come here to help and found myself etc, etc. Who are we going to be reporting to? Are they going to change the organisation?

This whole theme – completely destabilising the organisation and creating another crisis on top of all the other crises that they have had to manage in that time, during a pandemic, working from home where lots of staff have been dealing with varying circumstances, like children at home, disabled children at home. You've got mental health wellbeing of loved ones. You know some really gut-wrenching stories and then to throw an EGM on top of it.

But there has got to be something within our governance and our culture that says we don't destabilise the entire organisation, our staff and our very purpose for being based on the whim of a thousand people, whether the subject is about [the Presidential elections] or it is about pay.”

Council member:

“From a cultural perspective and in terms of decision making and accountability that seems to me to produce paralysis because everybody is looking over their shoulders thinking ‘oh hang on if we do that we'll get EGM'd.’

You only need 1,000 within a special interest group and you have a disproportionate amount of power over the way that the College implements itself and it seems to me you become something that's not member led, you become led by a small cohort of individuals who have a particular gripe.”

Staff member:

“We're kind of being governed all the time by a fear of if we look sideways they'll call an EGM and you think to yourself that's no way to run an organisation. There's a thought that a few disgruntled people can hold the rest of us to ransom when we're trying to move forward and be the voice of nursing and every single one of us – ET and Council. Everybody is there to do the very best job they can as far as I'm concerned for our members. We might do it in different ways but we're all there with the same passion, we're all there with the same vision, the same hopes and aspirations and I don't think we should be run on a ‘we can't do that because we might have another EGM’.

The question is should 1,000 people be able to hijack half a million people, because they're disgruntled.”

Elected official:

“An Emergency General Meeting should only be called under emergency circumstances and in a situation where you can't actually resolve any of the issues.

I don't think a 1,000 is an appropriate number when the membership is so high. It perplexed me that 1,000 members, which is entirely realisable, can hold the organisation as such, in effect, to ransom.

Basically, what I have seen over the last few years is that *we better not do this or we will end down this EGM route again*. So it is impacting on the decision-making.

I think that there are a number of people within the RCN's governance structures who still feel weighed down, under a degree of examination that's forensic, that is causing that institutional paralysis. I am talking about Council members and I am talking about, not so much the Executive team, I am talking about Council members and Trade Union Committee members."

Staff member:

"So I think there are two issues really: one is the ease of which it can be done, and secondly, the 1,000-member signature has not kept pace with the increase, the huge increase, in our membership numbers.

I know it was before 1980 because in 1980 there was an attempt to change it to 5,000, so that was passed at the AGM in 1980 but I have subsequently discovered that that decision was reversed in 1985 and it went back down from 5000 to 1000, but I don't know – there is no information about why.

In terms of membership numbers, when I joined the RCN in 1997, I think we were at about 280,000, so since 1997 we've doubled our membership nearly."

Council member:

"We are a fingerbreadth away from an EGM being called at any time."

Staff member:

"It is paralysing, but it isn't just the threat of the EGM. The EGM is the mechanism. It is the threat of being pilloried first and foremost. There is generally – this isn't the only organisation that has this issue – the business of practicing inclusive dialogue, of having radical candour, of being able to say what you think, to be able to understand constructive feedback v. blame or criticism, these are all developmental and behavioural issues that are not exclusive to this College but are definitely endemic here. I think the EGM is the end result or a singular mechanism that is used."

Having looked at other organisations and having looked at the evidence presented to me from within the College, there is no doubt in my mind that the low threshold for calling an EGM has substantial and negative consequences for the culture in the RCN. In short, it creates a culture of fear and paralysis and leads to defective decision making. This then has consequences for the wider membership. The ultimate result is the antithesis of a "member led" organisation – it is anti-democratic in that it allows a tiny proportion of the membership to stifle legitimate activity.

The 2018 EGM

The reasons which lay behind the calling of an EGM in 2018 have been the subject of extensive scrutiny by ERS as part of the report that it prepared for the College. I will not set out their conclusions in full but a few extracts will help to set the scene:

“The focus was on the headline figures of the pay deal which led to a lack of clarity and accuracy on how the deal would be implemented and affect the pay packets of individual members in the short term.

From the evidence it appears that clear and accurate information on this point was unavailable during the presentation of the deal, including to the Trade Union Committee on 7 March, and is the likely cause of misunderstanding and confusion, with interviewees from the committee and beyond (including the Chair of Council and two Council members who responded to the review questionnaire) holding the belief that all staff would receive a 3% pay uplift from 1 April 2018.

Therefore, in the context of both internal and external communications, ERS notes there was lack of clarity and accuracy on how the pay deal would be implemented and this included apparent misinformation on details that had not yet been confirmed.

.....

ERS concludes that accurate detail was lacking from presentations that informed committee members...

.....

In summary, ERS determines that Council and governance committees were **not** informed about the details and impacts of the deal in a way that enabled them to make an informed balanced judgement for their decisions for three reasons:

1. Full information on the detail and impacts of the deal were not presented in an appropriate and timely manner. This includes an absence of highlighting information that was lacking or yet to be clarified.
2. Presentation of the deal was biased towards its acceptance.
3. Alternative options were not presented and even when questions were raised alternatives were not explored.”

It is important to understand the impact of the 2018 EGM and the ERS report on Council, the Executive and RCN members more generally. This is best done by setting out some of the comments that have been provided to the Review. Dealing first with the impact on Council and its relationship with the Executive:

Council member:

“The 2018 EGM was a culmination of tensions that had been growing over probably the previous ten to 15 years, dissatisfaction with the fact that the College was not seen as advocating for nurses, it was seen as being effectively in collusion with successive Governments that wanted to keep public sector pay low and the RCN seemed to be supporting that issue. More importantly, the issues over staffing and staffing levels, there was a perception amongst members, and I was a member let’s not forget and I still am a member, that the College wasn’t doing anything to address that and it

culminated in the 2018 call for an EGM – that was the catalyst that started a chain of events that we’re going through now effectively.

.....

This EGM ended up in Council resignations and basically either the sacking or the departure for other reasons of just about every member of staff that had anything whatsoever to do with the deal because members felt with some justification that they’d been misled.

.....

The problem that we have with the College at the moment is an absence of governance. Had we had effective governance the pay deal would never have gone forward. Had it been examined and critically analysed by Council it would have become apparent that we couldn’t possibly go forward with it, but it wasn’t, it’s a failure of governance as much as a failure of the Executive Team. The role of Council is not an executive one although over the last two years Council have become far more executive because somebody had to.

.....

Now this tension between Council and staff was palpable and huge – distrust in both directions, but this is historical and a lot of it is due to the fact that Council felt that they’d been manipulated, that they hadn’t been given full information and that they’d been kept in the dark.”

Council member:

“So we had an element there where – and this is partly where the EGM issues are coming from – of this desire to have the RCN run by its members, that the organisation itself was effectively being run by the Executive team, material being withheld from Council, but Council ultimately ending up as the fall guys.”

Trade Union Committee member:

“Probably I would suggest one of the saddest days in the organisation’s history. Personally, I think that the issues that needed to be addressed at that meeting were not addressed in the right way, and to actually tear Council apart for that reason was the wrong thing to do. That’s where our democratic processes – because basically, Council were thrown under a bus at that meeting.

.....

I blame the Executive... but actually, the wrong people were being held to account. In terms of governance, you can only govern an organisation if the organisation is committed to be open and honest, and basically give you all the information that you need, and basically the Council, at that point in time, were not given all of the information that they needed, nor were the Trade Union Committee.

[The actions of the former Chief Executive/General Secretary at the EGM] alienated herself from the membership... it put her in a place where it developed a lack of trust.”

Activist member:

“There was quite clear contempt for [EGM Petitioner] for doing this and the way that [the Chief Executive/General Secretary] spoke about her at the meeting itself, about there being a militant faction of members within the RCN, essentially suggesting that this EGM didn’t actually represent the membership and that there was something inherently wrong with [EGM Petitioner] for trying to call for accountability. It seemed that powerful people within the RCN were smearing members for doing what they were entitled to do. It felt very disrespectful and I thought some of the discussions that emerged around that made me think twice about the kind of organisation I was paying to be a member of and how it might treat its ordinary members.”

Council member:

“So members completely lost trust within the RCN and its ability to be able to effectively represent them.”

Council member:

“The petitioners I think because I think they felt very let down by Council and the Council felt personally attacked, and the truth was somewhere in the middle. Actually I don’t think Council were given enough facts for the decisions that they took which led to the problem. Then of course there’s the default well therefore let’s blame the staff. So it’s this kind of blame game that goes around that somebody must be blamed, instead of saying actually, which is my approach, I think we’ve got this wrong and we just need to do better and we need to see how we can make it better.”

Council member:

“Council felt very vulnerable and there was a lot of emotion because there were some really horrible stuff coming through on social media, also personal attacks by email on individual members, and they felt that yes they are the governing body of the RCN and had to take responsibility but I think they felt that actually it wasn’t entirely their fault. So they got very hurt by the whole thing.”

The impact on staff – and the perceptions of staff members – was equally dramatic as the following quotes demonstrate:

Ex-Council member:

“[Ex-Chief Executive/General Secretary] was basically sacrificed because she became the kind of figurehead who was slain at the altar of members’ ire, people were very annoyed because they’d expected a much bigger rise and then there were various other people who were collateral damage in that who basically were hunted out of the organisation and extricated.”

Staff member:

“Council came away from the EGM thinking ‘Well I can’t trust anything the Exec does; I am going to have to – as a Council – do more to control the Exec.’ There is a culture of mutual distrust, antipathy which makes the organisation somewhat dysfunctional.”

The legacy, of the 2018 EGM, in terms of its impact on the culture of the RCN can be described as follows:

- There was a fundamental break-down in trust as between Council and the Executive;
- There was a similar break down in trust as between the College and its members;
- There was a significant loss of confidence amongst the Executive Team, many of whom departed within a relatively short period of time, more often than not for reasons directly or indirectly connected with the 2018 EGM and its fallout.

The 2020 EGM

Unfortunately, within a short space of time, the College was faced with a second EGM, the effect of which has been to deepen much of the division and dysfunction which was already evident by the conclusion of the 2018 EGM. Again, I will not examine the rights and wrongs of the underlying issue – this has been extensively investigated by Simon Cheetham QC – I will confine myself to setting out the consequences in terms of culture and again will do so by setting out some key (and consistent) comments that I have received during the Review process. The background is well-known in that the EGM was called following the exclusion of two candidates from the 2020 Presidential Elections on the basis that were said to have misused RCN social media.

Staff member:

“I think that culture that started with the first EGM, the culture of mistrust, the culture of that sort of thing that by then people knew it was quite easy to get an EGM. Then there was another, in my view overreaction, causing an EGM – it’s like we’ve got into that habit of let’s just escalate everything to the highest possible level, the most publicly visible and people have I guess started to think that’s the way to get things – I don’t know whether it’s changing anything, it’s making things worse in my view at the minute or has been.”

Staff member:

“It felt when the Presidential elections happened that [certain members of Council] were ready to throw the dagger, that these things had all been lined up, that they’d been plotting for quite some time about how to get rid of the Chair for their own agendas, rather than working together as a Council, respecting that they had a Chair and getting on with the role. It felt like there were personal goals being thought about by Council rather than a collective wish to do good for the Royal College of Nursing. The only way I can put my finger on that was the sort of debates in Council.”

Staff member:

“I felt like nobody had seriously considered the fallout from these choices [to disqualify two candidates from the election and then to hold a vote of no confidence in the Chair of Council] and felt like that consistently throughout my time in the RCN – there is not really any forward/thinking about *if I make this decision here, what are the implications of that decision and how do I mitigate the risks around the implications* there is just none of that. This circumstance, in particular, was hugely damaging, completely self-inflicted and I really struggled after that with my Executive team and Council colleagues.”

The exclusion of candidates from the Presidential Election and the subsequent vote of no confidence that was held in the Chair of Council, was the cause of huge division not only as between Executive and Council but also within Council. Council meetings at this time appear to have become extremely dysfunctional and vitriolic. Again, the words provided to the Review speak for themselves:

Council member:

“The vote of no confidence was very, very nasty, I can remember one person with a serious injury which required surgery not long after who was in tears because of the pain, she’d been on a 14-hour shift or something and one of the Council members, was

absolutely disgusting. If that had ever got out to the members she'd have been out of the organisation, why she was never done with bullying and harassment, it was the worst example I've ever seen on Council."

Council member:

"What we had in the last couple of years was where there was a Chair of Council and they put a vote of no confidence in her the year before last. I have to say it was the worst moment of my life, sitting on that meeting, because I looked round the room and I just thought *You guys really don't understand governance* because I had been contacted before that meeting *We are going to put a vote of confidence in the Chair – we want your vote to swing this* and my thing was, first of all, why are you doing this or what has she done wrong? Secondly, legally, you can't do it there is nothing anywhere it says that you can and it means nothing. So why are you doing this – this isn't governance."

Staff member:

"Same group of guys. Same attitude – and it is bullying, it is out and out bullying, and there is no other way to describe it. In fact, I remember saying at a meeting that I am embarrassed to be associated with this organisation given the behaviours that I had seen. I was fully embarrassed."

Staff member:

"We started having these crazy, constant meetings where people were crying and shouting at each other. The behaviours were disgusting. It was already evident that people were not behaving in a very reasoned, professional way and there was a lot of emotion. So it was after one of these meetings that I thought that I need to quit to be honest."

There was terrible behaviour between Council member to Council member. There was crying and dismissiveness of other people crying; a kind of general lack of understanding of policies and processes in the RCN; a total distrust in the Chief Exec, complete and final distrust and then the suspicion around the Exec team full stop."

Whilst the climate and culture on Council has undoubtedly improved, first, it is still a long way from being an effective and inclusive body and secondly, as I have already stated, a few changes in personnel (whether on the Council side or within the Executive) may soon result in further or greater dysfunction.

The exclusion of the two candidates from the Presidential election also exposed clear divisions within the membership. At about this time, a document came to light which was to become known as the "Happy Days document." Its precise origins are the source of much debate and dispute but in it, the authors set out an action plan to address the consequence of the disqualifications. Depending on how matters developed, there were range of potential responses set out in the document – at one end of the scale were contesting the exclusion of the candidates, possibly by taking legal action, with the option of calling an EGM if their proposed resolution was denied. At the other end of the scale, certain outcomes were described as "Happy Days" – these included the resignations of the Chair of Council and the Chief Executive/General Secretary (with the latter first being "marginalised") as well as Council being "empowered". The document

was released on Twitter just two days before the EGM that was held in November 2020. At the very least, the document evidences considerable distrust within a faction of the RCN's membership about the entirety of the election process and the exclusion of candidates from it. It has been described on interviewees as follows:

RCN activist:

“It was essentially a campaign of disruption within the College to cause chaos, to disrupt and to try to get certain people that they saw as responsible to resign and leave positions... It was creating chaos and imbalance for what they see as a justified reason, things aren't working so well in the College, let's take matters into our own hands, but working in quite nefarious ways and I think that's probably again quite a key theme here.”

I will look more closely under the particular Review topic headings at how this dysfunctional culture has continued beyond the 2020 EGM suffice it to say that the distrust that was entrenched as a result of the 2018 EGM was only reinforced as a result of the 2020 EGM.

The RCN as a “member-led” organisation

Making the College a “member-led” organisation is clearly a laudable aim against which no obvious criticism can be made. However, the absence of a clear understanding of what this means in practice creates a culture in which the term can be used to justify a range of entirely different perspectives. One starts from the fact that the RCN now has over 485,000 members who do not comprise a single homogenous group. Add to that, that the College itself has a dual function, professional and trade union – many of those who join will be attracted by one function but not the other. Equally, many have no real interest in the work of the College at all but rather see it as something to turn to only in the event of problems in the workplace. As to that, whilst the majority of RCN members work within the public sector, a sizeable minority do not. Furthermore, the membership is drawn from all corners and all occupations under the umbrella of the nursing and support worker professions.

It is clear from the many interviews that I conducted and the written submissions that I received, that the goal of being “member led” remains elusive. I will let the participants speak for themselves:

Professional member:

“There is no shared understanding of what is meant by member led. Elected members set the strategy – there is a confusion between governance and representation functions. There are low levels of engagement therefore one is responding to the minority of the membership. Many elected seats are not contested; there is a lack of diversity of candidates. Council is seen as a trade union committee.”

Former Council member:

“What we would love to see in an ideal world is 500,000 active RCN members, all turning up in some shape or form to contribute to what the College does, but we don’t have that. It seems to me difficult to say that you’re a member-led organisation because you’re not actually member led, you’re led by a limited number of people who engage actively with the College, and with the role as a trade union and professional organisation.”

Staff member:

“I’m very positive about the idea of ‘member led’ – but I think that’s the most unhelpful term that’s really come to the fore in the last few years – I absolutely do believe we need to be working on the priorities with and for our members, but I don’t want to see that being determined by a niche group of people, I think it has to be determined in a much more sophisticated way.”

Council member:

“So of course, there has been this call over the years for a member-led organisation which if you look at it brutally honestly would be a complete disaster because the membership does not have the skills and expertise, nor the time, to actually run the College. So you have to look at a model where you work with your employed staff who do have the skills and the expertise and the time to actually move the College in the

direction that the members want to see it go, because it's a membership organisation, there are half a million members – so over the years increasingly strident calls for the members' voice to be heard are made with some legitimacy.”

Trade Union Committee member:

“I believe that was the start of the change in around 2020 when they became more focused around what the members' decision and a prime example of that would be the pay campaign. That was member led but I can recall meetings when I was on the Trade Union Committee when I actually highlighted that I felt I was being guided to what decision to make from the Executive Team, and I didn't like that, I thought that was wrong. The answer I got was we they need to provide you with all the information for you to make a decision.”

Staff member:

“But we're not member led – these people, and I don't want to sound anti-Council because I have good relationships with some, I'm long enough in the tooth now I think to know how to deal with people, they say that they're member led but a lot of these people have been elected by a very, very, very tiny minority – when they want to make a decision they say they're member led, but they're elected by a much, much smaller majority than that. So sometimes the facts are juggled around to suit the mantra.”

Trade Union Committee member:

“Some people in this club use the mantra of member-led in order to make decisions which are actually their personal decisions, rather than being genuinely reflective of what the membership feels.”

Union activist member:

“The perspective of Council members is just that, their perspective, and once again it's never about the membership, it's never about actual genuine, legitimate engagement with what members want. When members complain if it doesn't fit with their narrative about what the right thing is, they're not interested.”

Council member:

“I would love to say that we're member led and I often preach on social media or interviews or things that I do to say we are member led so that's why we need to hear what you have to say, but we are not in any way shape or form because you're absolutely right we don't hear the voices, and if we don't hear the voices how can we be led by them. So, if somebody were to ask me are you a member-led organisation right now, absolutely not because we don't get our direction or the steer from the majority of members.”

Former Council member:

“The RCN needs to define what a membership led is. Because we are not clear on that – like Board members and as the College itself, because some members who are quite active, who have a set agenda who wants to drive it through, tend to do that under the name of membership led.”

In setting out this lack of clarity – and consequent tension – caused by the absence of a clear understanding of what it meant by “member led” I am, sadly, not saying anything new. In its Review conducted in early 2020, the Centre for Public Scrutiny (“CPS”) noted that:

“... there was a lack of consistent organisational understanding (across both staff and member, and between different members) of what it really means to be member led.”

And recommended that:

“Council to lead work to gain a consensus view of what ‘member-led’ means, including member and officer expectations of each other, and translate this into practical guidance.”

Of course, the pandemic has intervened which has no doubt made the implementation of the ERS recommendations more difficult so it was no surprise to see the same point being picked up by KPMG in its recently published Report on Governance and a further recommendation being made that work should be done in defining “member led and the role of Council.”

It is clearly an issue that needs to be addressed. I will not attempt to reinvent the wheel by setting out further recommendations that should be followed. Suffice it to say, that from the perspective of culture, the absence of clarity has a significant impact on the way in which the College functions. It provides opportunities for division and undermines the decision-making process in that it is used as a mantra to justify a particular course of action being taken or not taken. It can also be used by Council (or at least some members) as a tool to push back on recommendations that come from the Executive.

The Covid 19 pandemic

A very large number of interviewees have been anxious to attribute at least part of the explanation for the problems that the College has faced in recent years to the effect of the Covid 19 pandemic. As is well-known, the country first went into lockdown in March 2020 and as a consequence, a vast amount of the College's work moved on-line, including of course, Council meetings. At the same time, the frequency of such meetings increased as did divisions within the membership of Council. Without wishing to oversimplify the position, two camps developed within Council based on whether they supported the then Chief Executive/General Secretary. There was also a group in the middle that did not take sides on this issue. The effect of having to conduct business on-line seems to have caused the factions to become entrenched (not least because of the use of WhatsApp groups by members of particular factions) and to allow inappropriate behaviours to become magnified.

The lack of face-to-face interactions appears to have had a negative impact on the functioning of Council – and indeed on Congress – as the following extracts from the evidence that I received demonstrate:

Staff member:

“Operating online does a number of things: it robs you of the chance to observationally learn, to gather contacts, it takes away the ability for people to learn from one-another through role modelling. It makes conversations inadvertently through a screen feel more confrontational than they need to be – because there are seas of faces staring at each other.”

Staff member:

“In a normal world we would be in HQ, we'd have coffee when we started, it's just personable remembering that we're all people. It happens in terms of 'how are you' and we'd sit in with the Council members, we'd have lunch together. So if a Council member was particularly vocal on a particular debate one of us might go and say 'oh you know you had a really good point about that, I'm doing a bit of work on that, do you want to know a bit more about it'. We can't do any of that at all, you can only do the business. So there's that feeling of just dehumanisation in many ways that on-line brings, I didn't find that very helpful, I don't think any of us did to do that.”

Council member:

“Almost without exception everybody on Council is an activist and therefore is passionate, so you're magnifying that by the fact that people are assertive and they've got a point of view and they want to get it across and they're frustrated because you've got to wait in a queue to speak in a Teams meeting, which of course you do in a normally moderated meeting but you can catch the eye of the Chair you know. I think this has been exacerbated by this lack of human contact, made worse by the fact that most people certainly are passionate so the emotional temperature is higher than it normally would be.”

Council member:

“On-line is challenging because when you are having meetings, particularly if they are challenging meetings and difficult discussion points which we've obviously had to face over the last year or so. It's sometimes difficult to read the room, read people's

thoughts and feelings – yes, I can see you on the screen but actually you do get more of a sense by being next to a person about their thoughts and feelings towards a particular discussion point.”

Council member:

“Covid has really, really hampered the development of a good Council I think at the moment.”

So Covid does appear to be a factor that has contributed to the division and dysfunction within the RCN. However, it is far from being a complete explanation as there were clearly problems evident before March 2020. Whilst a move to more in person interactions will no doubt help with rebuilding relationships and understanding, there is clearly significant additional work that needs to be done.

The use of social media

The RCN has guidance which it issues to members relating to the use of social media. The 2019 Social Media policy recognises the requirement to manage accounts – whether personal, work or RCN – “appropriately with care taken to ensure the content posted is suitable for the account and complies with applicable policies.” Under the heading “Trolling” the Policy says as follows:

“Remember to remain appropriate, respectful and polite, even when disagreeing with others. You are bound to come across posts with which you don’t agree and, by the same token, may yourself post things with which others take issue. This is of course never justification for poor conduct.

.....

Inappropriate behaviour via social media between RCN members may constitute harassment and bullying and can be reported to the RCN Governance department under the Respect Charter. Any complaint may be investigated under the Member Resolution Process 2019.”

The misuse of social media is sadly all too evident in society generally and, despite the guidance set out above, it is perhaps unsurprising that one finds evidence of it within the RCN. A significant number of those who provided evidence to the Review raised concerns about the way in which they had seen RCN related social media being used. I will set out a few examples:

Staff member:

“Some of the posts that we then get exposed to, some of the messaging that’s in there is really, really uncomfortable. It spills over then into Twitter, other Facebook Groups etc. and our processes don’t enable us to really deal with some of these things where it’s really, really unpleasant and bullying but we can’t do very much about it. So, for me that is quite a big issue and it’s something that I think our processes at the moment we lack teeth being able to say this is unacceptable behaviour whether it’s directly related to the RCN or not, these are just not acceptable things to be saying in public spaces when you’ve got some sort of connection to the RCN.”

Staff member:

“Dirty laundry being thrown everywhere, in public – absolutely crazy.

Twitter, let’s be honest, is quite a bullish platform anyway, for any organisation. There is a certain toxicity to it in terms of the whole world. But this is next level that gets personal as well.”

Council member:

“Twitter, Facebook whatever social media, it’s a very small number of people who are active users in terms of negatively and it’s the same faces, it’s the same people making comments on Facebook, on Twitter, it’s a small number of activists. They seem to have a disproportionate impact because of course people read this criticism and they enjoy the fact that they’re being critical and they’re supporting it without actually seeing the other side. It presents a very one-sided picture of people who are consumers of social media.

I now rarely engage on social media because as a Council member you're a sitting target, there's always somebody who wants to have a pop at you. It's siege mentality, constantly Council members are getting complaints from members which are not being upheld, they're often nuisance complaints, they're virtue signalling – how dare you as a Council member say this, how dare you have this attitude and I'm going to complain about you – and then the bandwagon rolls and five, ten, 15 people say yes, this is outrageous you must complain blah blah – it's just poisonous.”

Union activist:

“We constantly oppress each other within nursing and yes that then also happens within the RCN, lots of point scoring on social media – Facebook, Twitter. Lots of things where people try to use it as a method of accountability as well, rather than what I would try and use social media for which is you're putting out messages or you're trying to network with people, that probably doesn't happen within Nurse Twitter as it's called. It's all about can I hold someone to account for a position.”

Former Council member:

“During all this nastiness a member posted a video on Twitter which was a Nazi video dubbed over that talked about the decision [to exclude candidates from the presidential elections] and focused on [a staff member]. It was absolutely vile.”

If the RCN is dysfunctional and divided at various (and senior) levels, it cannot come as any surprise that communication on social media becomes polarised and unpleasant and contributes to a culture of confrontation.

The view of the College from the outside

I started this report with a quote from the *British Journal of Nursing*. As part of the context within which I have considered the particular issues set out below, it is a useful exercise to pull together some of the views that I have received – albeit from internal stakeholders – setting out their perceptions of how the College is regarded externally. Given the tumultuous period through which the College has passed in recent years, it is wholly unsurprising that this appears to have had consequences in terms of how it is regarded by others. The views that I am setting out below are typical of those that were given to me during the course of the Review:

Former Council member:

“Chief nurses, who have a lot of authority and power over nurses generally across the whole of the country, have very little to do with the RCN and that’s to do with how the College is governed I suppose, the governance of it, how it’s run, how it’s perceived and so they’re the ones who could make or break the College, they’re the ones who can actually get their nurses to vote in droves of high numbers. But actually they don’t do it.

CNOs say ‘well we can’t be bothered with that, we’ve got too much to do, it’s a lot of nonsense and there’s so much politics in there and they just need to get on with it.’”

Forum chairs:

“There’s clearly a community that the College is not well connected to, it’s well acknowledged, they say it themselves, which is actually the Directors of Nursing, the Chief Nurses, and the Council of Deans, those absolutely pivotal roles within the health and education sector there – we have a poor relationship with those people which is obviously a significant concern. The Royal College ought to be the place that we all gravitate to but in the last three years, one set of events after another, certainly people in the Chairing Committee have been left feeling embarrassed, angry, disappointed, frustrated and ashamed.”

Forum chairs:

“The Council of Deans, the Chief Nurses describe the College currently as a bit of a laughing stock. The Government must just be delighted to be reading *The Daily Mail* at the moment, some of the things that are coming to the fore. The senior nurses are gravitating elsewhere, they have a serious reputational issue.”

And in terms of furthering the trade union aims of the College:

Staff member:

“It makes the job of us trying to fight for member’s pay increasingly difficult because the Secretary of State knows that the College is fighting amongst itself and is not unified so therefore, they can kick that can down the road of safe staffing because they can see we haven’t sorted ourselves out. That’s where the impact of all this lies.”

Specific topics investigated

Whilst six areas for investigation were set out in the terms under which I was appointed to conduct this Review, they do not fall within readily definable boundaries. There are substantial areas of overlap as has become clear as the Review itself has developed. Nevertheless, I will attempt to address them topic by topic whilst at the same time, indicating where the overlap occurs.

Decision-making and accountability; financial management

There is a significant overlap between the evidence that I have received on this topic and that which relates to Issues 2 – “Financial Management” and 6 – “Roles and responsibilities of staff and elected members.” Without wishing to oversimplify matters, the difficulty that one sees in the way in which the College operates is that the division and distrust that I have referred to above leads to a situation in which roles and responsibilities of staff and elected members becomes blurred with the consequence that decision making is not robust and properly thought through. Where Council feels that it has been let down by the Executive, it leads to a culture in which it will overstep its governance functions make decisions for itself and without stress testing those decisions through proper engagement with the Executive. For those reasons, I will set out the evidence relating to financial management within this section rather than try to impose an artificial boundary between the two topics. The same applies substantially to roles and responsibilities of staff and elected officials which is largely dealt with in this section.

Relevant to this topic, the RCN Council’s role is described as follows:

“RCN Council provides leadership and direction for the organisation. It ensures that the RCN always has a clear vision and strategic plan, acts as a guardian of the RCN’s assets and holds management to account.”⁶

Its specific responsibilities include:

- ensuring that the RCN delivers its statutory purposes through its Royal Charter and Standing Orders and is compliant with trade union and company legislation
- appointing the Chief Executive & General Secretary. Delegating the effective running of the organisation, agreeing key performance indicators, and holding the management to account for their delivery
- providing leadership and direction. Ensuring the RCN has a clear vision and strategic plan and is financially sustainable
- ensuring appropriate risk management and effective internal control.

An effective and functioning Council is crucial to the successful operation of the College. It takes its cues from proper engagement with the wider RCN membership, as expressed in particular through policy developed and resolutions passed at the RCN Congress. Resolutions passed at Congress are then to be taken forward by Council for completion with RCN staff. Given the key roles fulfilled respectively by Council and RCN staff, it

6 As set out on the RCN website.

is essential that firstly, the roles and responsibilities of staff and Council are clearly recognised, understood, and observed by all parties. Secondly – and flowing from the first point – it is essential that there is mutual trust and support as between Council and the Executive. Unfortunately, the prevailing culture of distrust at the College has had a highly detrimental impact on decision making and accountability. In summary, the breakdown of trust as between Council and Executive has led to the following:

- Council members often feel that they are being dictated to by staff and are not being allowed to make their own decisions;
- Whilst, in particular due to the ‘fall out’ from the two EGMs in recent years, the lack of trust towards the Executive may be explicable, the absence of a proper understanding of the processes of governance and the respective roles of Council and Executive has allowed a highly dysfunctional situation to develop in which decisions are made without proper scrutiny and consideration and without due diligence having been conducted;
- That lack of understanding from within Council is exacerbated by the fact that Council members are faced with operating in a role for which little, if any, training and support seems to be offered;
- This in turn leads to recommendations from staff being rejected by Council and decisions being taken by Council without proper evaluation and scrutiny;
- With the boundaries of governance and the roles of Council and Executive not being properly understood, Council members – in particular, the Chair of Council – are liable to cross over line from a supervisory to an executive function and have clearly done exactly that in recent times;
- Staff are then left feeling demoralised and undermined and subject to an unwarranted level of scrutiny and criticism which from the perspective of the member of staff concerned can amount to public humiliation and bullying. This then leads to staff leaving the organisation;
- Decisions are often justified on the stated basis that the College is ‘member-led’ and yet, as has been recognised in other external reviews of the College, there is no clear understanding of what “member led” actually means, still less any means of testing how it applies to any particular decision that is made by Council;
- One then adds into the mix, the consequences of the two recent EGMs and the fact that a further EGM remains as a fear factor which inhibits the proper functioning of the College and decision-making within it.

I will now set out some of the evidence that I have received which has led me to these conclusions.⁷ Dealing first with the lack trust as between Council and the Executive and the dysfunctional relationship that arises as a consequence, the following extracts from the evidence are illustrative of the problem, starting first with the perspective of those who are employed by the College:

⁷ Much of the evidence that I have set out already in the background sections above should also be taken into account here.

Staff member:

“The lack of trust it was most prominent between the CEO/gen sec and some of the male – white male – dominated characters on Council, and in terms of the boundaries. Just in terms of the lack of trust is [certain Council members] going through every single set of ET Minutes to basically try and catch people out of where financial thresholds have not been adhered to. And the lack of trust from the Executive side is not showing Council how the organisation is performing – and every single Council meeting, there being a story or a crisis, in amongst an actual crisis with Covid. There is always a story or a cover up around actual performance. So on both sides, you’ve just got this horrific toxic environment... There is this rhetoric of – the Council will try and catch the ET out, and ET will try and tell a story.

I always feel there’s this undercurrent in the meetings, I always feel there’s an undercurrent of trying to trip people up. If I’m presenting a paper for example you tend to feel like there’s this undercurrent of somebody wants to challenge, not challenge as in ‘tell me a bit more about that’ or ‘what brought you to that conclusion’, it’s really confrontation more than challenge – I have seen it happen to others and it’s not pleasant.”

Staff member:

“Since I’ve gone in as a member of staff and as you get more aligned or more exposed to Council and that tension between membership being member led and staff driven or directed I suppose, I think that’s where the big issues for me come in. To do my job for example, you need to have a degree, a Master’s, you need to have x amount of years’ experience in your chosen field for want of a better word and I suppose I feel that I’m employed for that, that’s what I am expected to bring to the table. I feel it’s very difficult when you have people who have none of that who second guess your advice or your information or your direction if that makes sense. For me that’s where I see that push/pull is very difficult.”

Staff member:

“Council was consistently accusing the Executive team of leaking confidential information to Nursing Notes. So there was stuff appearing in Nursing Notes – and you would, literally, come out of a Council meeting or a meeting, and in the next minute, it is in Nursing Notes.

So that does create a sense of mistrust because you are thinking *My God! How is this getting out?* And Council automatically just went *It’s the Executive team*. So that fuelled this accusation that the Executive team are not trustworthy. But actually, we all suspected it was [a member of Council] and actually, as things transpired, that would appear to be the case.”

Staff member:

“The main problems are, it is an in-club, that’s the first bit, so it’s a cycle of the same people – they have the ability to influence their own destiny, mark their own homework, whatever you call it. They are not recruited on – and this is going to sound bad – what they can actually bring to the College in terms of their skills, experience, things that are needed.”

Staff member:

“The problem as I see it seems to originate from 2018 when there was a huge breakdown in trust between members, Council and Exec team, and the lack of clear boundaries between, in particular, Council and the Exec team, has created an environment in which that lack of trust has just flourished which in turn has produced, not only divisions as between Council and Exec, but divisions within Council. So you have got these warring factions within Council. You’ve got warring factions between Council and Exec team. You’ve got Exec team feeling paralysed and, that they can’t execute because they are looking over their shoulders wondering whether they are going to be the next one in line for rebuke from Council. And it just produces a massively dysfunctional organisation where the thing should be working harmoniously, and it isn’t.”

From some Council and elected members comes a different perspective:

Council member:

“What we were finding was that there was a culture of the Executive making decisions, if you like, their clique, making decisions because they weren’t necessarily agreeing with what Council was asking them to do. We were finding often that things that we were asking to be done, weren’t done in a timely fashion and that some of our senior officers were not really looking at the interests of the members, and that really was a concern for us, and therefore, a number of very good, very hard working Council members took the rap for what, in effect, was the decisions that were being made by [members of the Executive] and we were finding out subsequently that some of our information was even being withheld from other officers of the Executive team.”

Trade union committee member:

“The Executive had a tendency to steer decisions to what they wanted, thereby preventing Council or the TUC or the PNC from actually making its own independent judgment.”

Council member:

“[A former member of staff] was controlling the whole of the organisation and that was always going to cause a problem at some stage because she’s like the puppet master for the whole organisation. She is never meant to be the puppet-master, the only puppet-master is Council. There was a culture at that time that the staff know best.”

But even that was not a consistent view shared by all Council members:

Former Council member:

“In the RCN you have the Council who have got all the power, there’s no ifs or buts about that, the Council have all the power and they hide behind this thing of saying well this is for the members, we’re doing this for the members, even though very few members do vote for any of them to get onto the Council, but we’re doing this for the members. The expectation is that the Executives do as their told and you have to get on with it because we’re doing this for the members and we make the decisions. So there’s a fracture between the Executives and the Council.”

Council member:

“I’ve seen that Council are very rude about staff, very, very rude, very hostile. I was told on several occasions ‘don’t trust staff, don’t speak to staff, if anything goes wrong it’s staff’s fault’. They’re not servants, they’re a secretariat, they’re supposed to help us facilitate and do stuff but it’s a reciprocal relationship and that’s how it should be but no I don’t think they get respect from Council at all or senior members. I do feel sorry for staff because any problems and it’s staff’s fault. Now I know Council are exposed and at the top but if they’re making poor decisions and not leading very well then they need to own it, they need to take responsibility, they can’t just say oh it’s staff that stitched me up and that tends to be what happens... it’s all a bit dysfunctional really.”

Council member:

“Let’s be perfectly honest the RCN is a dysfunctional organisation currently – it has a toxic working environment, there’s a blame culture going on and there is tension between the Executive side and the membership side. This is historical to be fair, this goes back a long way and part of the root of the problem was that there is no doubt that the Executive Team ran the College and over the last 20 years really there has been a combination of appallingly bad management and a complete absence of governance.”

Turning then to the question of governance and the exercise of power by Council, I will set out a lengthy extract from the evidence of one Staff Member which in view exemplifies the problem described by many. The consequential “bullying culture” is also contained within the same extract and is described as follows:

Staff member:

“It is an unchecked power [exercised by senior elected members] and it is with poor boundaries and poor understating of what strategic governance is. I have been left consistently with the impression over the last couple of years that the majority of elected members I have witnessed don’t seem to have very much experience of what is true strategic governance and I do think this organisation has really failed them in that respect because every other organisation I have worked in – you have to do a lot of support and development work to develop a shared understanding of what the governance is, and I feel we have left them out to dry.

I have witnessed over the last five years, men being allowed to dominate these spaces, to dominate and abuse power by either crossing boundaries in terms of governance, through poor behaviour and poor conduct and in many cases have not been openly challenged. So it is a bullying culture and I have to question how it is that this proportion of white male nurses ended up in these elected structures and still dominate when the profession has a demographic profile that is that different.

Being truly member led would have a range of different approaches that were anchoring the organisation in the membership at large – whether or not they are activists interested in organisation or professional cancer nurse forum, that kind of thing – and then you have the wider membership.

This organisation doesn’t even have a standard annual membership survey of its membership. Instead with pot shot surveys based on issues and based on contextual

problems we are trying to solve. So, at its most basic, any beneficiary-based organisation I have been in has a routine way in addition to structures like Congress that gather regular insight and data and then act on that data in visible response to the memberships so the membership can have confidence that what they say to an organisation has impact and relevance in terms of what happens next. So, I find at its most fundamental level we are missing that wider mechanism in a consistent way that allows the membership to really see what is going on. We are missing that base line. We have communities of interest that function and then we have the elected membership.”

The impact on decision making was described by one staff member as follows:

“It is just very a siloed structure, over-elaborate decision-making processes with that lack of clarity about who makes the decision and who is accountable. And because there is this sense of fear and blame, nobody wants to make the decision, and nobody wants to be accountable. Because what are the potential consequences of that? It creates paralysis.”

Specific examples of the problem are as follows:

1. In 2020, a senior member of Council put forward a request to do a director’s training course for himself and two others at a cost of around £10,000 per head and also requested a further £100,000 for training purposes. A staff member described the situation as follows:

“It puts you in a very difficult position because in my experience, we wouldn’t pay that, never do that – it is not even appropriate to do that. But you felt trying to challenge/bring in your experience of this is what I know having operated at a senior level before and I understand budgets/Board/training needs, I want to help you to do your job, but you are telling me that you want to spend £100K a year on Council is, frankly, unacceptable in my view. Never mind putting me in a very difficult position even answering you, because the answer clearly, any right person, would say no.”

2. A number of years back, a member of the Executive was asked to develop a strategic approach for the creation of an organising model which would improve member engagement and empower them to tackle issues relevant to them. After a period of roughly two and a half years, the matter finally got taken up by Council. However, instead of leaving the Executive team to take the model forward, the then Chair of Council himself appears to have sought to take control of the implementation. A female staff member describes events as follows:

“Very early on in the process, maybe the second or third meeting, his behaviour and that of some of the elected members was so misogynistic – basically any time [four different women, a mixture of staff and Council members] spoke, we were spoken over – typically by [three male members of Council]. It got so bad that we brought male colleagues into the conversation, and I ended up sending them instant messages during the meeting to have my points raised. When they were raised that way they landed, and the conversation was able to move on, but that is the first and only experience I have had in this College where I was consistently shot down. I basically stopped talking in the conversation.

Because of Council taking over the project, there was no structure to the work, they were wanting to decide everything, seeing a communications message, right the way through to what evidence we look at and not even letting us go to trawl evidence without them telling us what the parameters of evidence were. A colleague, who was had hired as an organising expert, then got an email from a union colleague in another organisation who had said that she had been hired to do some work for the RCN. We had no knowledge of this and it turned out that [a few Council members] made direct contact with the union colleague and had already agreed that she would provide a large-scale programme of work for the College. We didn't know that until our international union colleague told us that.

There was no contracting process relating to her but for me, the key issue was that there were no parameters to the work, no structure to planning, blurring of the boundaries between strategic governance and operations and going out to market to secure independent expert assistance without any contracting process beforehand is to me the very opposite of what is expected when it comes to understanding governance.”

Another female staff member spoke to similar effect:

“We had done some initial work to see if organising was something which might be worth pursuing to get members more involved and it was agreed that we would do some further work on it. Then in late 2020, Council grabbed the idea and [some Council members] decided they liked it and at that point as far as I can tell went off on a, I'm going to call it 'a frolic of their own' because they didn't really take staff with them and they didn't enable staff to influence what was happening. They set up a Task and Finish Group, mainly of members, and they organised some training. They contracted – I'm saying contracted, I don't think we paid anything – but they organised for us to send a thousand members on an Organising development programme called 'Organising for Power'. So they agreed some vision which I only found out later of training 5,000 people by last April in Organising and 20,000 by the end of last year, 2021. They agreed to send 1,000 people on this Organising for Power. There was no particular written down plan or anything, this was just things – I don't know who the group were who were agreeing it but I know that [the Former Chair of Council] was having the conversations. After the Chair of Council was suspended, we were able to move the process forward and we have now agreed a new Programme Board structure – but basically we had had to start from scratch because there was no realistic plan, there was no staff support, there was no funding, there was no vision of what our Organising model would be, it was just to send 5,000 – 20,000 depending on what figures you pick out of the air, all these people on a programme and then go 'there you are, that's it'. There wasn't any other plan around it. It hadn't been thought through – organising is an example of when probably the dysfunctionality was at its worst. Promises were publicly made that we were going to have 5,000 organisers trained. Again, without any papers, without any funding identified, without anything, they agreed and publicly stated they'd be training 5,000 organisers before last April, this was in the December 2020. By April 2021 we would train 5,000 organisers and by the end of 2021 we'd have 20,000 organisers. Almost irrational sort of thinking.”

And yet another female staff member:

“So without telling me or the Chief Executive, the Chair of Council set up a meeting for himself and a couple of Council members that were on this Task and Finish Group to go and meet with this lady to put on training for the whole of the RCN people. We hear about that on the grapevine. So how embarrassing is that for the Chief Executive/General Secretary if she’s in a meeting where an internationally renowned person says I’m doing some work for you RCN, when the Chief Executive doesn’t even know about it and I didn’t know about it either. We heard about it from another route. Then I did ask the Chair of Council about that and I briefed the Chief Executive on it and it transpires that he not only had a chat with her but he’s commissioned her to do this provision of training, which of course then we’ve got to backtrack on that and make it work in terms of finding out where the budget’s coming from and all that due diligence etc. So, if that’s not straying into operational then I’m not sure I know what is.”

And a fourth staff member:

“It turned into was one man’s crusade, sponsored by the previous Chair of Council, it turned into a – hard to describe anything other than – a dictatorship programme which was ‘We are going to use this company who are going to roll out this training to fight the government. As the Chair of Council, I am not going to get any kind of debate on the matter in terms of how many people, how much money, how much time is needed to deliver this programme, and I don’t really need any staff to help me do it either – I am going to do it and any time someone speaks, I am going to shut them down.’”

Of course, Council may have a different perspective on these individual cases but what is a matter of concern is the extent to which the evidence that I received from staff members was entirely consistent on this point. I do not suspect for a moment that those who told me about this episode and described it to me in the terms that they had, had put their heads together to produce a particular narrative which they then fed in to me. The accounts that they gave to me came across as unscripted and genuine and provide a very clear example of what can happen when governance boundaries are either not recognised or are recognised but are then ignored.

3. In March 2021, a decision was taken to set up a £35 million strike fund. The decision was taken at an emergency meeting of Council convened after the recommendation of a 1% pay award by the Department of Health and Social Care in its evidence to the NHS Pay Review Body. Whilst the decision to set up a strike fund may be a perfectly reasonable one, the way in which that decision was taken does not appear to evidence any proper consideration of the feasibility or mechanics of setting up such a fund or how it would operate in practice. I received the following observations in relation to that decision:

Staff member:

“Well, it’s ludicrous, to be perfectly honest. They had a Sunday evening conversation where they decided that they would allocate £35 million without any advice, no CEO or gen sec or financial director or Executive team approval of that decision, at all. And it wasn’t, I have to say, it wasn’t real because it sits in the

reserves. It's just a line on a bit of paper. No mechanism was ever set up to access that money, at any point in time.

Even in an emergency situation, they shouldn't be able to make decisions, at least without the gen sec there, and if it is a financial – over a certain threshold – without the finance director there.

If they wanted to make a political statement that was going to be in the news the next week, there are always ways to do things without actually doing them. So what they could have done is just called the CEO/gen sec and the finance director into that meeting and said *This is what we want to do, are we okay to do it because we want the Press and comms around it* and then work out the bits afterwards.

So then people have to run around trying to make that happen without anybody really questioning why, or is it right, have we done it in the right way – what's the pro's/con's, what are the options – none of that, at all."

Staff member:

"Council went and had their own meeting where they decided that they were going to set up this strike fund. I received a phone call from the Chief Exec who said *I have just got out of this Council meeting – it was maybe 8-9 o'clock at night – and they want to announce the strike fund and they want to announce it tomorrow*. I said *What the hell is this – where is this strike fund, where has this come from?* Like where is the governance around this. This is the unfortunate reality of unclear decision making/ structures in an organisation and lines of accountability where it is not clear to me where I can best offer my advice or insight ahead of something just arriving at my desk."

Staff member:

"They announced at £35m strike fund without talking to the director of finance. For me, that's not good governance/stewardship of an organisation. How can you basically say you want to do a no arguments £35m strike fund without even having a conversation with your finance director?"

Staff member:

"Just the practicalities of where that left the Finance Team about trying to account for that money and how it then can't be spent on other things and all of those things, that then caused us weeks, months of debate about how that money is accounted for because they couldn't grasp that if you're putting that money aside even if you've not spent it you might spend it and therefore we can't spend it on something else. So that's a really good example of when it does really start to get nerve-wracking."

Staff member:

"So I was very upset professionally that Council could have a meeting, make a big decision about pay without inviting the Executive lead for pay and the Finance Director to that meeting.

Before you announce £35m strike fund, which may be perfectly legitimate to do,

you need to make sure that the money is in the bank and that it's not going to have such adverse consequences on the College's finance that you shouldn't be doing it. It should be financial good governance or due diligence before you make that announcement. So any sensible governance process would involve a scoping out of that decision before Council meets to decide whether it's a good thing because let's say you looked into the bank."

4. In the summer of 2021, a UK Government petition entitled "Protect the title Nurse in UK law" received over 33,000 signatures. The campaign was backed by the PNC who lobbied Council for its support. It was also backed by 35 RCN Forums. It was clearly an issue that was regarded as very significant by the Professional side of the College as evidenced by what I was told by forum chairs:

"We as a profession feel that actually it is quite important to protect the public as well as obviously our own career structure and the identity, integrity of nursing in terms of it slowly being eroded and diminished. It's important that actually we do something about that, that we tell the public about that, that we try to influence the system."

The campaign also had the support of the Trade Union Committee:

Trade Union Committee member:

"A view that was taken forward by the Professional Nursing Committee and the view of the Trade Union Committee was the same – we had meetings and agreed a view."

From the evidence that I received, it appears that Council (or perhaps more accurately, a vocal faction within it) was very reluctant – to say the least to back the campaign:

Forum chair:

"The argument was we don't know what members wanted – well actually, you had all 35 forums which represent 190,000 nurses, you had PNC which are your elected professional leads, telling you that this is what we support. We would like you, Council, to support this. That didn't happen. You look at Council and you have the entire PNC recommending that we make this statement to protect the nursing campaign. You have all the forums coming together to support this. So that is overwhelmingly 50% of the elected body of the College and Council say 'No' – because it is filled with trade unionists who don't have that agenda. It's a real problem."

Trade Union Committee member:

"What happened basically, Council didn't really explain its position properly and it found itself in a position where it then came under quite direct attack from the members who were actually saying 'Well, what the hell are you playing at, are you not recognising this?'

Basically, it felt to Council, as though the PNC and the TUC were exercising their authority and Council felt uncomfortable around that. We got round it and we got over it but you need to understand what your members want from you and to keep going back and checking it out as best you can."

One Council member described his view as follows:

“Why are we wasting the time to get excited about protecting the title of Nurse? I genuinely do not understand why that should be an issue. But this is a very strident and vocal minority of activists who are making this big fuss and actually it’s what’s known as the usual suspects, it’s often the same people that are jumping on the bandwagon, there’s various bandwagons, and making a fuss.”

The view of some RCN members as to Council’s apparent resistance is exemplified by the following evidence from an active member and which echoes the somewhat dismissive language which I have set out immediately above but relates to a different Council member:

“So, I feel that when certain members became affiliated with the Protect Nurse Campaign, he instantly decides he doesn’t like these campaigns because of who is in the campaign, therefore it must be elitist, therefore it’s bad for the College. So he has these kind of very personal agendas where he’s not willing to actually, it seems to me, do what’s right for representing the membership, he’s willing to do what he personally thinks is the right thing to do. He doesn’t feel like a representative I suppose.

There was a general consensus that this was a positive thing and even members of Council felt that it was. However, there seem to be some individuals on Council who wield quite a bit more power than others.”

The debate, such as it was, that took place in Council, has been heavily criticised by a number of those who have supplied evidence to the Review. For example:

Council member:

“The meeting was called at very short notice, people expressed their views but if they weren’t there their view didn’t count and then it was voted against and then it was leaked, and it just caused reputational damage for the College unnecessarily. Whereas actually a proper considered detailed discussion with everybody contributing with time to do that would have meant a proper decision was taken.”

So the issue did not progress in 2021. Unison declared its support for the campaign in November 2021 – the RCN did not. Instead, the matter was pushed back to be discussed at the June 2022 Congress where a vote was taken which showed 88% in favour of supporting the campaign. Whilst it could be well be said that it was the right thing to do to send the matter to Congress rather than have Council backing it in advance of that, the problem, as described to me by a Council member is as follows:

“The RCN’s not agile enough to just make a common-sense decision sometimes because they spend time talking about it and what I hear is this member led agenda: ‘must be member led, we must do what the members want’, except it depends on which members are saying it. So, there’s a bit of a contradiction that goes on here.”

The vote taken at Congress suggests very strongly that Council opposition to the campaign was out of step with what the members wanted and provides an illustration of how the label ‘member led’ can be used to justify a position in circumstances where either there is no clear understanding of what members actually want or where – as in

this case – the members in fact have an entirely different view to that expressed by some Council members.⁸

In addition, as the evidence set out above from the Forum Chairs (and indeed from the TUC Member) demonstrates, the issue has caused further concern on the professional side of the College that Council is a union-centric body that does not have proper regard that professional side. It has been a cause of further division and distrust.

In terms of Council being thought to overstep the mark and move into an executive or management role, most of the concerns in this regard were directed towards a former Chair of Council, for example as follows:

Former staff member:

“How on earth did [Former Chair of Council] end up going to Executive team meetings? I hear that he went to Executive team meetings over the past year. Now, how can that be? How could that ever have happened? And that for me is the ultimate example of how boundaries between what’s governance and management can suddenly escalate at the RCN. I’ve seen it escalate it at regional board level, between regional directors and their Council members, and that’s the most recent example I have observed at the RCN of it happening on a UK-wide basis with the Executive team. And that is why there needs to be a lot of investment in the preparation of people for those Council member roles and for that preparation to happen with the managers of the organisation, so it’s training for everybody so that everybody is in one room together being trained, and really properly trained.”

Staff member:

“[The former Chair of Council] decided that well we are going to have monthly Council meetings – the entire governance calendar then has to be ripped up to pull in monthly Council meetings which then need to be serviced, which then the Council start acting more like a – less like a governing board in my example, and more like an Executive Board. Now I know technically Council are the Executive on trade union law, which I have come to learn – I understand that – but you can’t have two executives in my view – that’s the problem.”

Staff member:

“My observation was that it was like the College seemed to have a collective loss of confidence at the top in themselves. No one wants to make a decision and it seemed to me the Executive team didn’t want to make a decision because of their relationship with Council. Who’s actually driving the ship here.

What you have got [from Council’s perspective] is almost the case of we don’t trust the Chief Exec and general secretary – we are going to come down to the Executive team, we are almost going to take that role on ourselves because we don’t trust the Executive team.”

Council member:

“He had styled himself as Executive Chair of Council and was attending every

8 As the vote at Congress in June 2022 shows.

Committee meeting and was grossly over-reaching the governance role and getting completely involved in areas that he had no business getting involved in.

Clearly there was a very, very dysfunctional relationship between him and [former Chief Executive/General Secretary] and a complete lack of trust I think so he was then going to every meeting and I think the staff were feeling particularly unsettled by that – it's back to trusted leadership isn't it. I think the other thing that was toxic was that there was this WhatsApp Group between the Council members and I got put onto this WhatsApp Group and immediately I actually raised it with him that I was really concerned about the content of the WhatsApp Group."

The impact of the excessive scrutiny which staff have felt that they were under as a result of the lack of trust and confidence placed in them by Council can be shown in the following examples. Each one relates to the experience of a different member of staff:

Staff member:

"[A senior colleague] came out of a meeting and she was in tears. I said what's wrong – she told me that [a member of Council] was trying to have her sacked and was abusive to her and was bullying her."

Staff member:

"[A staff member] called me and she was in tears and she said that she had been advised that she was being taken off the work, effective immediately. She is a pretty robust lady. I've worked with her closely enough on some really hair-raising stuff but for her to sit there and watch her face crumble in front of me while she had dealt with a lot of shit already, seemed quite intense.

She was removed from the work, overnight. I was told that the Council member that had initiated that had approached the trade union committee and they had supported him to ask for her removal. She was threatened with a vote of no confidence."

Staff member:

"Some of the things Council were asking about were very nit-picking. Things like the spacing isn't right on this; there is a spelling error in this page – this kind of thing and I was sitting there thinking *should we not be talking about the strategy and overall point of this paper* rather than a 20-minute discussion about the fact that so and so can't read it on their iPad.

It was challenge for its own sake, flexing muscles rather than exercising a governance function."

Staff member:

"[A male Council member] humiliated [a female staff member] at a Council meeting and in an aggressive way, I would say. And often what he says is – the points are right – but his manner is atrocious; he's a bully and she isn't the only one who has been on the receiving end of him – he seems to enjoy it, if I am perfectly honest.

Unfortunately, you know every council meeting, this is the kind of behaviour you would get. You would go in and think, I am going to have run the gauntlet there because

some, and it was always a certain few [three male members of Council] you knew they had already had a pre-meet often, and they were looking at ways that they could just get at the Executive team because I think they felt that they need – it was their way of showing that they were in control – and they needed to really demonstrate that they are in control of the situation.

What happens at Council to ET is that you have this lack of trust, so Council is trying to make ET accountable but because of the lack of trust all they do is there is this blame culture all the time, and this blame culture then travels down the rest of the organisation.”

Council member:

“They came to Council in a private session and said Vote of no confidence in [staff member]’, and we said ‘Sorry, we can’t do that – that’s not legal, we can’t do a vote of no confidence on a staff member – we don’t have the authority. If there is a capability issue here, then you have to bring that up with the Chief Executive.’ And they turned round and said ‘Well no. It’s done and there have been issues for a long time and we have had serious concerns for a long time.’

So I asked for evidence and it was ‘We’ve loads of evidence, maybe not all written’ and I said ‘I want to see the evidence because I am a rep and you don’t shift somebody unless you see the evidence that says that they can’t be exonerated and that they are actually guilty.’”

Staff member:

“What I feel is then almost about trust, somewhere along the line it feels like trust has been a problem and that those members now don’t trust the staff to do the things that they have directed them to do and so they start to ease themselves into wanting to check everything, measure everything, and then the staff stop trusting themselves and start not making any decisions and everything has got to be taken to a Council member. That’s not member led to me.”

Equality and inclusion

I have already made reference above to the fact that the gender make-up of Council is in no way reflective of the gender make-up of the College – in fact it is closer to being inversely proportionate. If the College is to be a truly ‘member led’ organisation, one would expect its leaders to be reflective of its membership – and not just in relation to gender. Whilst I will not adjudicate on the precise reasons for this happening, it is striking that within the last three years there have been five resignations from Council – four of them being women and three from a BAME background. This would suggest that there is a problem with retaining on Council, women and those from an ethnic minority background. The words used in some of the resignation letters are indicative of the way in which in the period 2020-2021, Council had become a hostile environment, at least from the perspective of those who felt that they had to leave:

One observation made by a Council member underlines the problem here:

“When [a BAME woman] tendered her resignation, it was that she was never part of

the Council – nobody sat down and said here is another letter of resignation from a black woman who says that she was forced – nobody did that – it was she was wrong, it was her fault, she was the problem, she didn't engage, she wasn't part of the nursing family, hands together, that's the way it was taken.”

In similar vein from a staff member:

“But if you looked round our Council table and what happened to other women at that table, I think there's an equality issue here with gender and women picked out for particular treatment, treated differently and there's no doubt in my mind that there were misogynistic tendencies and traits amongst our Council, and probably remains to this day. There are male Council members that treat women differently, without a shadow of a doubt.”

And another:

“I've been very concerned about [the resignations from Council by women] – there doesn't seem to be any sort of appetite from the Council to really think about why those people have gone. They're all women for a start, our Council is not reflective of our membership and what seems to come back from Council was 'well that's a terrible shame and thank you so much for your service' and we'll move on and we won't really listen to the reasons. A couple of them wrote really strong letters about why they'd resigned and there has been no learning or shaping or wanting to consider how that is embraced so that we become better and more inclusive moving forward. I do think that has to be a Council thing because they are Council members. Yes of course the staff we help and facilitate those discussions but that was about the dynamics of the Council and how it was treating one another and I did think that was very concerning.

In emails I would say that I saw, lots of talk to the hand, passive aggressive behaviours, not really wanting to take on board an open culture of dealing with their situations or contributions. The women just got more and more quiet over time. So, their contributions weren't listened to when they came and then they weren't invited in the longer term and I think that's a big driver as to why those women decided that Council was not for them. But every time one of them went it was always another reason, it was always something else, it wasn't a do we need to actually consider why these people have gone from the perspective of Council.”

Staff member:

“I do think when new women have come onto Council in recent years there has definitely been a hostile attitude towards them and an unwillingness to listen to what they have to say.”

Council member:

“So we're actually constantly shooting ourselves in the foot and then you're picking from the same pool of people every single time because they're the people who know it or understand it or have the confidence to go for it. So it is always going to stay the same, there never is going to be a change because you've got the same people who are stuck in their ways who have their conception about what Council should look like.”

Staff member:

“[Some male Council members] used bullying tactics – it would be body language; it would be language towards or comments made or things made by female members of Council. They would often be belittled, I think, actually, in their approach. And then you could see the little cabal of guys would get together and disagree with what was being put forward, and often dismiss any points that were raised, as in ‘Nothing to see here.’”

All of this is sadly consistent with the experiences of staff which I have described above. That consistency extends to the fact that all of the complaints of bullying that I heard from or about staff members related to the way in which women – not men – had been treated. No male member of staff made any complaint to me that they had been the subject of bullying or harassment.

What is also troubling is the reactions to the multiple female/BAME resignations of some Council members who appeared to be very dismissive (and in some cases patronising) of the individuals and the reasons which they say explained their departures. I will set out some examples of this which are taken from a number of different Council members:⁹

“She was going to resign anyway – she had family issues”

“She was not brilliant at turning up for meetings, being there for the whole of the meeting and reading her papers.”

“She was in a group that was close to the Former Chair of Council”

“They resigned because they supported the Former Chair of Council.”

“They were close to the former General Secretary.”

“She was the last person who was fairly dysfunctional and basically she left.”

“She obviously felt she couldn’t cope with the job.”

“They resigned because they didn’t get their own way.”

“She was not collegiate and ended up annoying people.”

“She realised her position was untenable – the others had other issues.”

“Gender [as a reason for leaving] is accidental – part of the problem is that they shouldn’t have been there in the first place if we had a proper selection policy in place.”

“She never read the papers and turned up late.”

“She was the wrong person for the job.”

“They found the role daunting.”

“She had a difficult time on Council”

“She resigned because of the Presidential election.”

9 No such remarks were made by any of the staff members with whom I spoke about the resignations from Council.

“She didn’t provide any evidence to support her claim that Council was not supporting her.”

“It’s down to the skill of the individuals – you’ve got to be able to deal with the good and the bad and have a level of integrity.”

“Her behaviours were not appropriate or professional.”

“She didn’t do the work.”

“They lacked knowledge of the RCN and were out of their depth which made them vulnerable.”

“She found it too difficult.”

Leaving aside the individuals who resigned, there was only one Council member that I spoke to who was prepared to accept that the fault may not have lain with the women themselves but with the culture of Council. She (and it may be significant that the person concerned is a woman) said that:

“I think part of it was the manner in which they were treated and this male domination. I think this led to them feeling squashed. The way [X] was treated by [a Council member] was appalling, just appalling. It was so unprofessional; it was totally out of order.”

If one then looks at the resignation letters themselves, they paint a picture which is consistent with the point made immediately above. For example:

- “Unfortunately, I have witnessed unprofessional behaviours and non-adherence to the RCN Respect Charter and Nolan Principles from some Council members. I appreciate and welcome difference of opinion and robust debate however this is beyond healthy professional tension.

It is fitting to say that I am unable to work in a negative environment where there is mistrust towards the Executive team and within Council.

... to continue [on Council] would compromise my personal and professional integrity”

- “There is a lack of understanding around Corporate Governance and that has created an environment across Council that is not naturally collaborative and a subsequent culture of mistrust. This is now impacting on the decision-making processes and decisions that are made. There is a risk to the organisation and I am concerned that Council is making decisions which I do not believe are in the best interests of the RCN or the profession.

I would urge the Chair and Council members to better understand and learn from the reasons for such an unprecedented number of resignations [in the last 12 months].”

- “It seemed to me that Council members did not want to adhere to RCN policies, guidelines or even the legal advice that was given... I found the whole episode shocking and quite distressing, not to mention disappointing as I have been a

member of the RCN for over 40 year and never imagined that a Council made up of people from my own profession would have behaved in the way that I witnessed.

The attitudes, beliefs and behaviours of many Council members do not align with my values and therefore in all conscience I cannot continue to be a Council member.”

- “In my nearly 18 months of being on the RCN Council I have witnessed gas lighting and microaggressions from various Council members which stifled debate if another point of view was offered.

There has been a failure to challenge and uphold the Nolan Principles of those in public office.

It is concerning that if this is the way the RCN Council operates it has and will continue to impact on the staff and the paying members. It has the effect of silencing and getting rid of those who oppose poor behaviour and generating fear of speaking out in others.”

For the reasons stated in my Introduction, adjudication on particular issues – in this case the specific reasons why letters of resignation were submitted – is beyond the scope of this Review. However, I do find it concerning that there is a huge disconnect between the reasons given by those who felt that they had to resign and the reasons as advanced by a series of Council members. In circumstances in which numerous individuals have voiced real unease about misogyny and male domination within Council, I do not think that one can simply waive away the stated reasons why a succession of women (two of them from the BAME community) felt that they could not continue in their elected roles. Whilst I am not in a position to reach a clear view on these specific cases, they do on the face of it, provide evidence that supports the wider cultural concerns that have been made clear, particularly with regard to the male dominated culture that is apparent on Council. For that reason alone, it seems to me that they warrant further, specific investigation. If a succession of women have been left feeling unable to continue with their elected roles for the reasons that they have stated, then that suggests that the culture of Council needs to be addressed. The consistency of the evidence about the bullying of female members of staff and the stated reasons for the resignations from Council substantially corroborates the fact that there is indeed such a culture within Council itself. To put matters shortly, Council is a male-dominated environment in which a succession of women have felt that they have been on the receiving end of misogynistic behaviours.

Added to that is a feeling that not enough is being done by the College to push the EDI agenda:

Staff member:

“I find it a little bit astonishing that we still haven’t resolved how to expand the EDI function and resolve the governance structure about whether or not there should be a separate EDI committee. I witnessed two meetings where I watched [Council member] try and explain to other elected members that he didn’t think it was appropriate or right for Council to strategically own that agenda because essentially they didn’t have enough time to deal with it – that was the language that he used in both of those

conversations which I thought was shocking behaviour from an elected member. So that told me that this agenda was not only not taken seriously at all.”

Staff member:

“Equality Diversity and Inclusion agenda in the RCN is like one person out of all of us, so there’s 1,000 staff and there’s one person who is the co-ordinator for it and there’s no ED&I team. So when you start having a look at what some of the interventions are for ED&I and how you do positive action and you try to promote some of these roles and you want to get diversity of thought and opinion and everything, it’s not really been pushed to any degree.”

RCN student member:

“The departures of a number of BAME women from the College has caused a loss of confidence in the inclusiveness of the College which needs to be address – there is a perception in the BAME community that it is not an inclusive organisation.”

The consequences of not addressing the concerns that exist relating to the EDI agenda at the College have been spelt out by one former Council member as follows:

“People from black, Asian and minority ethnic backgrounds are pulling together policies, processes and procedures to have their own College, their own black nursing College. That’s the direction of travel it’s going in.

There is a feeling that the RCN does not protect black members. So if that is on offer from another organisation which is run by people of colour, my suspicion is that the RCN will lose a substantial – they won’t lose them all – but they’ll lose quite a substantial number of people to this new organisation.”

I will add some additional words from others that I have spoken to during the course of the Review and which illustrate how divisive and un-inclusive Council has become in recent years. Whilst not all of them are precisely directed towards any particular protected characteristic, they nevertheless demonstrate an unwelcoming and unhealthy culture in and around Council.

Former Council member:

“It was all out of control at that time. Council was completely out of control. It was very, very scary, it was like a living nightmare, very scary, unwholesome, unhealthy, quite terrifying place to be.

I have to say when I was being attacked, I mentioned bullying and aggressive and being exposed to very aggressive behaviour about which I believe there were complaints raised by one Council member. That type of bullying behaviour wasn’t checked by the Chair.

It was [a Council member] who was attacking me in a really aggressive and pretty vile way and no-one comes to your defence or your rescue, I thought that’s a lack of collegiality, no-one looking out for you. You think this is unsafe, why should I be, what am I doing here, and these people say they’re nurses? So much for caring professionals, honestly what an insight, it just shows that nurses are people too and

they behave appallingly and badly and maybe we're all capable of it at the end of the day and given the right conditions we'll all turn into attack dogs."

Council member:

"So I will readily admit that there have been times recently where I have considered leaving because I feel like the environment within Council, figuratively speaking, can be incredibly toxic. As I said I went into Council with a fresh perspective, what I wanted to do with it, what I felt the members would benefit from, because again my focus will always be the members and I don't feel that's the same agenda with everybody else when it really should be. So then when you do try and propose new approaches or ideas or the way you want to do things the lash back that you can get for some of those ideas – well that's not how we do things or we've done that before and it's not worked – I feel like it is a very toxic environment."

Former Council member:

"They're a cabal, they're a group of people who enjoy the power and position of being on RCN Council but have not got the best interests of the Royal College of Nursing or its members at heart. That's the truth of the matter."

Council member:

"You tend to have a lot of grand-standing, so long-standing senior members who have been in positions for many, many years will just shout over any – just filibuster really and then we have situations where people start quoting archaic process and policy and procedure which you've got no reference to because it's not written down, or start to talk about things which happened or how things were done, how things were always done or how things have been done for the last five years and you've got no way of fact checking that or verifying it.

I don't think the Respect Charter is worth the paper it's written on. I don't think the Dignity Charter, which has been buried which again is very hard to find, but that's still in force and that prohibits the sort of language that flies between Council members and staff. That's not paid any attention to."

Staff member:

"It is a culture of fear isn't it – it is toxic and starts at the top and seeps out into the rest of the organisation. And you think *how can this happen to the Royal College of Nursing?* Well that is what I thought, I thought I was going to – in coming from the British Medical Association where it can be quite brutal, but at least it is to your face, you then come to the Royal College of Nursing which I thought would be a much more caring, gentle organisation, and we have this – really dysfunctional Council which I found strange."

There is a strong sentiment across the College that when one looks at senior elected positions within it, the same faces are seen for years on end. If one steps from TUC to Council and back again, an elected official can be in a senior role for more than 20 years. Not only does that longevity make it more difficult for others to break in but it also has some unhealthy consequences in terms of decision-making and the culture to be found

on Council. The point can be illustrated by looking at some extracts from the evidence that I have been given:

Former Council member:

“I think there is something in the issue of the same faces. I mean, there’s been a long problem – I don’t think we’re unique as a union in not that many people stand for elected office. And certainly on Council, I think it is unhealthy that there are a lot of people that stand and get it, unopposed. Given it is a four-year term, if you do a reasonable job, you get eight years – for a lot of people they will see the same person for eight years. A lot of those people are generally people who stand for deputy president, president, those sorts of roles, have always been Council members. So there are certainly people in the system who people have said they’ve been around for ten, 20 years at a national level, and I think there is definitely something to that.”

Council member:

“But I firmly believe that there are some people who enjoy these roles because of power, and I think that, as an organisation that we should be moving forward to encourage, in any way possible, to get a broader range of people going for these elected roles.

I think that the males on Council are well known, so the electorate out there knows their faces. They actually – the majority of them – are politically savvy, so they know how to electioneer. They know how to influence, and they sometimes have more time in order to do it.”

Council member:

“I think the people who end up in these elected senior positions they all come from a particular crop that have been the people who’ve been within the RCN for years and years and years, they have built up their experience, their education, their skill base, everything with the RCN, they haven’t necessarily developed into or accepted the changes and caught up with the changes that have happened with the times. They aren’t open to adaptation and new ideas and trying to improve things for the membership, I don’t feel like the focus is the members at times. I feel like there’s a lot of people, and I’m aiming this at Council members, there’s a lot of people who talk the talk of ‘yes, we are member led’, but I don’t truly feel that there are people within Council who are solely member led, I think there is a lot of underhanded agendas, personal agendas, manipulation to get what they want out of it, rather than developing a culture, a standard, a work frame that is for the membership and benefits the membership.”

RCN member:

“You don’t get new ideas or fresh blood coming in. I think it also is a barrier to new people joining the organisation because they see it as a bit clubby, the same faces. I think it is hard for people to break into that environment and I think I saw that with new Council members last year in 2020 – we have had a lot of high-profile resignations and my perception when I saw those people trying to position themselves on Council is that they weren’t given much time or opportunity to be themselves and have their voices heard and that they were always dominated by those that had been around for longer.

That is one of the cultural issues that is a big problem.”

Staff member:

“I think part of the issue about Council is that people have been around for such a long time and that happens in the Trade Union Committees and the Branches, that happens across the RCN. We are not very good at making sure we’ve got fresh blood.”

Staff member:

“There is no doubt in my mind. [Two male Council members] for example have been in senior elected roles – I swear for 20 years or something like that. There is too much of it – it is the same people, recycled over and over again, it’s their inner circle I suppose. You have these very longstanding allegiances between individuals on Council, it never gets shaken up by an influx of new blood. The consequence is factionalism and partisanship.”

Council member:

“If you have the wrong person in the role then it can be a very long 12 years particularly as we don’t really do very good at succession planning. Like I say there isn’t enough awareness, education, information, accessibility to what it is to be a Council member so therefore either people don’t know, they don’t care, or they don’t want the responsibility.”

Staff member:

“It becomes a closed shop. There is a real issue with it and there are no fresh faces, never mind having a representation of the membership, there is still an issue with the fact that there is a lot of white men who have been around a long time; that is not really representative of the membership I would say. And now I know that that’s not something that is unique to the College, but again it is something which needs – I would like to see a genuine commitment from some of those people on Council to say *We want to really see the College change/evolve and then we are out – our job is done.* That type of thing, because people like us probably won’t be in position of influence in the future way the College works, nor should we be.

That to me is stewardship. That is guardianship – that is what I would really like to see that body get involved to almost understand that they are here to pilot through some significant change that ultimately will see them out.”

Former staff member:

“There is a fundamental danger where you have one or two strong characters on Council who develop deep relationships with other Council members that persist for years, that that’s inevitably going to create almost a group within a group that then drives the way in which Council works. If you couple that with the group leader, of being actively exploitative of grey areas because they disregard the boundaries between governance and executive, you have a recipe for disaster.”

RCN member:

“Men are over-represented in the College in senior roles, in various influential positions

and there is a lack of willingness to do anything about it and also the lack of being receptive to women who raise concerns about it. Almost actually hostility towards women who do raise concerns about it, it's seen as being combative and troublesome rather than concerned and tired and fed up of the same thing essentially and not seeing any change."

Management of departure of staff and elected members

Starting with staff, I first want to revisit a theme referred to above, namely the way in which staff feel that they have been treated by Council and which on many occasions has caused them to leave the organisation. Whilst this part of the Review is not directly specifically at the "management" of the departure of staff, it is not possible to get to that issue without addressing the issue of why so many have left in the first place. There have been a large number of departures of senior staff over recent years. Since the date of the 2018 EGM, 29 such members have left the College including:

- Two Chief Executives/General Secretaries
- Five Country Directors
- One Group Secretary
- Two Directors of Finance (Group Director and Director of Finance & Business Enablement)
- One Director of Nursing and two Deputy Directors of Nursing
- Two Associate Directors of Employment Relations
- Five other senior Directors (Organisational Capability & Change; Membership Relations; People & OD; Nursing Policy & Public Affairs; Nursing Policy & Practice).

I have already dealt with much of the evidence which I have received relating to relationships between staff and Council. It is very clear to me that the breakdown of trust as between Executive and Council has had negative consequences for staff morale and retention and many of the staff that I spoke to have been very critical of some of the behaviours exhibited by (some) Council members, for example (and in addition to the points already made on this subject):

"A paper was presented by [a senior member of staff] I think there was a miscommunication and the paper had not followed the right pathway – she was then spoken to in a horrible way by a Council member. It felt like a personal attack – the behaviour made me feel very uncomfortable and I then felt uncomfortable with myself because I should have intervened."

Another member of staff discussing the same incident said this:

"Rather than pick up the phone and say 'Hi, I've got a problem with this – I don't think we can do this' it was almost like he was going to wait until she stands up, and then with a flourish says 'I am going to basically bring out this smoking gun which I've had in my pocket which says why we can't use that this paper' and humiliate this person

in this meeting. I just remember thinking – why would you do that? What point – what advantage is it to anybody in the College for you to actually do that there and then? Why not pick up the phone or send a note which you could well have done and said you had a slight issue with it? Where is the working collegiately together, or we are all on the same side, or we are trying to help out. Rather than, and they love doing it, I am going to keep this in my back pocket and unveil it as an ‘A-ha! Gotcha’ moment and cause as much humiliation as I possibly can. For me it was an example of the ways of working and how you must watch over your shoulder or watch your step, because who knows who is going to want to try and trip you up.”

And a Council member talking again about the same incident:

“If you have a query or need further clarity, in the first instance contact the author of the paper to get clarity. If they don’t give you sufficient clarity, come to myself or the director for further clarity. Don’t turn round at a meeting and wait until that meeting to then completely humiliate that person – and that’s what took place and I was so uncomfortable. He turned round and said it was unacceptable, inappropriate, unprofessional – he used everything about member staff – and he knew from the day before what the issues were, but he didn’t go to her the day before and say ‘there is one or two things here – heads up – either you sort it out and have the answers for the meeting next day or I am going to have to ask for the paper.’ But no, he shot her down in front of everyone, on a public platform. She later told that ‘In all my 30-something years of being a nurse I have never ever been publicly humiliated and stripped and violated the way I was.’”

And to sum up the consequences, in the view of another senior staff member:

“The Executive team do not feel empowered/enabled to conduct their responsibilities. I think also around accountability, you spend an inordinate amount of time in trying to keep certain Council members on-side so to speak. You have to work with one eye over your shoulder all the time because you will be thinking if they could do that to [former staff member] and looked what happened with [another member of staff] being pushed aside – this is all in the space of two-three months – it could happen to me.”

Turning to the specific question of how staff departures have been managed, there is a perception in some quarters to the effect that the prevailing culture at the RCN is one in which people are “paid off” or in some way their silence bought at significant cost which is borne by the members. There is also a concern that there is a lack of transparency – members are not informed of the terms under which people leave. This then only serves to reinforce the impression that excessive settlements are made to unworthy individuals.

The starting point here is to note that the College has a Remuneration Committee. That Committee is made up of five/six members as follows:

“Two members of RCN Council and one member appointed from and by each of the Boards of the RCN Foundation and RCNi and at least one external adviser who should have specific skills relevant to the Committee’s work. The Honorary Treasurer should be an ex-officio member.”¹⁰

¹⁰ RCN REMCO Terms of Reference.

One of its main tasks is to:

“... review reports from the Director of HR for information on ex-gratia and compromise agreements over £50,000 and all redundancy payments.”¹¹

The Chair of the Committee is required to:

“... report formally to Council on its proceedings after each meeting on all matters within its responsibilities.”

Meetings of the Committee are attended by the Chief Executive/General Secretary and Director of HR.

I have not seen any evidence to suggest that the Committee has not complied with its obligation to review all compromise agreements over £50,000 and all redundancy payments. In addition, whilst one can understand a degree of suspicion and/or frustration on the part of members in not being provided with the details of compromise agreements or the basis on which they have been made, there is no reason to think that this is as a consequence of a culture of “paying people off” or paying them more than that to which they are contractually entitled. Rather this suspicion is likely to emanate from the fundamental lack of trust that the membership has in the way that such matters are handled which is in itself a matter for concern.

Equally, most if not all, compromise agreements contain some provisions relating to confidentiality – this is there to protect both sides, namely the College and the (former) member of staff. In particular, where there is the potential for litigation following the departure of a member of staff, there will often be good commercial and legal reasons for entering into a compromise agreement as any litigation may be costly to the College both financially and reputationally. It would substantially undermine the purpose and effect of a compromise agreement if details were then to be published as to the particular sum that has been paid and the legal risk assessment which has been conducted in order for the College to decide on the settlement figure that it is prepared to pay. The process was in my view accurately summarised by one Council member as follows:

“It’s a risk appetite conversation about are we going to invest a huge amount of time investigating where this may end, and I think again we don’t know because there wasn’t a formal investigation of whatever went on and people are not in a position to conclude anything and they’re confidential and I do think having seen that confidentiality breached to a newspaper is just so outside of what’s okay. I think if you were at the AGM and you were looking at the accounts and you saw a list of financial payments, you’d be right to be asking the questions about what’s going on here, what’s the process, but I don’t believe anyone is entitled to the level of detail of that individual, it’s confidential. You have to be able to trust the processes, that people are following due process, that would be my view.”

To similar effect, and this time from the staff side:

“The HR Director is directly involved in it because they’re the lead advisor to the Remuneration Committee. So, there’s a risk assessment that’s done based on all those things you’ve just talked about then and it’s a very typical process, there’s nothing at

¹¹ RCN REMCO Terms of Reference.

the RCN which is a process peculiarity than there is anywhere else. It's an assessment based on what's the level of risk that sits with it and the level of damage that we're going to cause to the individual and the organisation by protracting it out and going through the process and all the rest of it. So, there's nothing that I've seen here where I'd be saying – well I wouldn't be involved in it – but there's things where the controls with the terms of reference with the Remuneration Committee are pretty clear. I've seen a lot of settlements after but not unusual settlements.”

Therefore – and despite some of the adverse publicity that has been generated in relation to the payment of termination payments or the reaching of settlement agreements – I do not believe that there is evidence of a culture of making excessive or inappropriate payments to departing individuals.

In fact, in relation to the most recent departure of the Chief Executive/General Secretary, the question of the terms on which she left, was not in any event dealt with by the Remuneration Committee but was taken to the whole of Council for approval. After discussion of the proposed terms, Council voted in favour of them.

It is right to point out that staff at the RCN do have generous redundancy terms and the application of those terms may, in the case of long-serving employees, give rise to substantial severance sums being paid. However, those sums arise as a matter of contractual entitlement on being made redundant rather than because the College has sought to “buy someone off”.

Turning to the issue of management of the departure of members, they are of course in a different category to members of staff in that the latter are employees engaged under the terms of contracts of employment. The departure of members from the College is covered by the Member Resolution Policy (“MRP”). The Policy defines the range of conduct which is likely to be regarded as requiring action to be taken against members and sets out the process to be followed in that event. Included within the definition of potential is “Acting outside the Member Code of Conduct.”

If one then looks at the Member Code of Conduct, it contains the following:

“1.5 Members are expected to maintain a high standard of personal conduct and to treat staff and other members with respect.

1.6 It is the responsibility of all RCN members to promote positive behaviours, challenge poor behaviours and report any concerns.

.....

2. Be Respectful to others

2.1 Everyone has the right to contribute and should be encouraged to do so, every contribution is valued.

2.2 Everyone should ensure that work is typically undertaken in a constructive manner and there is a clear commitment on the part of the RCN to ensuring, that everyone is at all times treated with dignity, courtesy and respect.

2.3 Encourage others to express opinions and ideas.

2.4 Encouraging inclusive team working in which everyone's unique contribution is valued and recognised; where every individual is able to contribute effectively to realise their full potential with dignity and respect.

2.5 Listen to one another respectfully and be open to others' ideas and opinions."

Although the Review set out as one of the issues to be examined as "management of *departure of ...elected members*" (emphasis added), I think it is right to record that the evidence that I have received suggests that the culture that has prevailed (at least until the middle of 2021), is that members – up to and including Council members – have not complied with the Code of Conduct. This applies to behaviours towards staff and as between members. It is right that some – but not all – of the offending behaviours have occurred at moments of acute tension and division within the College but such tensions and divisions cannot justify a departure from the obligations which members have under the terms of the Code of Conduct, substantial breaches of which should be expected to lead to disciplinary action under the terms of the MRP.

In fact, the MRP has only been used on one occasion in recent times in relation to the 'departure' of a member. The former Chair of Council was expelled from membership following a hearing held in March 2022. Given that I chaired the Independent Appeal Panel which took that decision, I am perhaps disqualified from commenting on whether there are any cultural or other issues of concern which might flow from it. Suffice it to say that from the perspective of all of those on the panel, the hearing was conducted fully in accordance with the terms of the MRP and with the consent/agreement of the former Chair of Council himself.

I have already set out my concerns about a culture that has caused so many Council Members to resign and that has been so dismissive of the reasons why this may have happened.

One issue which has been raised with me is whether it is right that the College does not provide legal representation for members who face disciplinary action and potential exclusion from membership. This however does not in my view raise any particular issues relating to culture. In addition, it would in my experience be very unusual for any entity – be it employer or trade union – to provide funding for the purpose of defending or resisting action which that entity is taking against an individual.

Allegations of sexual harassment

In August 2021, the RCN Council took the decision to move the Annual Congress to an on-line only event. It did so after receiving allegations of sexual harassment and to ensure the safety of all attendees or potential attendees. This also led directly to the issue being included within the remit of my Review. As might be expected, the decision to move to a virtual only event prompted mixed responses from within the membership, some being supportive of it, others feeling that it was an over-reaction.

The issue for me was not to investigate the rights and wrongs of that decision but to examine the broader question of whether within the College there was a culture in which sexual harassment was allowed to go unchecked and whether as a result of any such culture, individuals did not feel that Congress was a safe space for them to attend. On

the evidence that has been provided to me, it is clear that Congress is seen by many as an opportunity to engage in sexual activity which will carry with it a substantial risk that a line will be crossed so as to become exploitative. Whilst most such activity appears to be consensual, the risk is that where individuals attend Congress in the expectation of some form of sexual encounter, there is the potential for the boundaries of what is truly consensual and what is not, can become blurred. All the more so where there is a power imbalance between the individuals involved and all the more so where large amounts of alcohol are consumed. Based on the evidence that I have received, the sexual culture at Congress is one in which the risk of exploitation is significant. A number of contributors to the Review provided evidence of how they have seen occur at Congress and I have set out much of that evidence below.

The expectation of possible sexual activity – and the risks that flow from it – is heightened in circumstances in which whilst there may not of itself amount to harassment, there is a culture in which the “Congress wife” (or husband) is a term in common usage and is reflective of a prevalence of extra-marital sexual relationships. This not only creates the risk that flows from others then expecting to have the opportunity engage in similar behaviour – and as a consequence puts others at risk of exploitation – but it also makes other Congress attendees feel complicit in such behaviour. It also appears to be something that makes others feel that they are at risk of being approached so much so that they take steps to reduce that risk.

Here is some of the evidence that I received (and which has come from multiple sources) and from which I reached the conclusions set out above:

Staff member:

“I was told by [a Council member] that students were being harassed to give their telephone numbers and were getting calls late at night from [some other Council members]. Students try to put in place arrangements to try to stay safe from these approaches.

I was told about [two senior elected officials] making advances to students – sending them text messages at Congress and on other occasions. You know, three o’clock in the morning do you want to come to my room, that sort of thing, come for a drink, which as you know is inappropriate. [Senior elected official] was tagged onto that as in yes he’s done stuff like that.”

Staff member:

“On one occasion I was followed to the door of the women’s toilets by a [male Council member]. I turned and asked him if he was planning to come into the toilet – he said that he just wanted to make sure that I got to where I was going. I didn’t report it at the time but on reflection I must have had the belief that the organisation’s culture wouldn’t address that behaviour.”

Former Council member:

“There is a reasonable amount of drinking, and some sex happens. I think that this is part of conferences. So yes, it happens but probably no more than happens at any other conference really.”

Council member:

“I’ve heard over many years that consensual sexual relationships have taken place at Congress – people use that opportunity in a consensual way to have sex.”

Staff member:

“It always crosses the radar that people were behaving inappropriately at Congress but I did not witness anything other than adults doing whatever they consented to. But I guess that creates a bit of a culture as well though doesn’t it, that it’s okay to do that sort of thing. I’d hear members talk about how they had Congress wives, I’d hear male members say that ‘I’ve got a Congress wife’, it was quite obvious that that was a sexual type of relationship which creates a culture of it’s alright to go and misbehave in a sexual manner at Congress. With a certain section of delegates, there is a slightly loose culture sexually.”

RCN member:

“You will tend to have a large contingent of like the LGBT community, so gay men as well who are in these elected positions, and there’s not just predatory stuff towards young women, I’ve had it where senior elected members have tried to say like ‘oh we should all kiss’ and I’ve been kissed by elected people as well when I’ve not really been up for that. It’s the kind of thing of like peer pressure of it’s all fun, it’s all free flowing, it’s alcohol, but it is people who have more power, more responsibility than other newer members who are being approached to do this stuff.

There’s talk of people who go and cheat on their wives with people at Congress but those people are significantly younger and the relationship started when they were students. I’m sure it was consensual but there was obviously a power dynamic there and you can see that being a thing of – senior elected men go there thinking I’m going to be powerful and influential and use that over young women or young men if that’s their fancy.”

Elected official:

“I would say that basically, sometimes, I’ve seen people’s moral compass fall away. And that’s both where the person is actually exercising what is an imbalance of power where they have the power – they are powerful persons – but also, my own experience was I’ve been approached in a way by females, over a few years, and basically – how can I put it – offering it to you on a plate if you like: it’s there for you, because they perceive you as having power. But no. Again, it is something that I have never ever sort of – went down that route – at all, nor would I want to, nor have I any desire to. But I do know, and I have seen, that that sometimes is being exercised and, in particular, I would say by men within the College, in power.

Alcohol was always the lubricant – there is an undercurrent of some people suggesting that they could get work for someone in a particular area – a promise with an expectation of something in return but this is isolated for particular individuals – I’m not going to tar everyone with the same brush.”

RCN member:

“Congress wives, this is a phrase that’s thrown around quite a bit about men who have wives and families but will then go to Congress and sleep with other people there, maybe it’s the same person each time, maybe it’s somebody different, but there seems to be this laughing joking thing about we go to Congress for a good time and that means getting drunk, having a party and sleeping around basically. This reputation is actually well known amongst I suppose people who go to Congress or who are friends of people who are Congress regulars, they hear the stories. It’s quite a common thing and some people seem to be more known for their dubious behaviour than others, but there’s definitely a culture that facilitates it. From speaking to lots of different women in the College they all say it’s paraded in front of your nose almost so that you feel complicit in it. You know this person has a wife and children at home but there they are right in front of your face as though it’s no problem and then at another event they’ll wheel out their wife and child. So a lot of people feel quite confronted and almost complicit because it’s just so brazen. This is what I was trying to get across. There’s this issue of an open secret in the College, we all seem to know about it, it’s spoken about so openly and freely, in fact those behaviours happen openly and freely, so how can we then sit and deny that there’s a culture there, how can you who have been to Congress over and over not be aware of this as well.

There was a woman who messaged me and said that one time when she was waiting to go to Congress [a male Council member] approached her in the airplane lounge and said something like – propositioned her basically, sexually, even though she’d never really met him before. It’s examples like that and there are so many of them from different people of this expectation that you’re going for a good time that suggests to me that it’s in people’s mind-sets that that’s part of what Congress is about almost, an expectation. I have another friend who said that [the same Council member] sent her a text message saying ‘when are you and I going to get some alone time together’ one night when they’d both gone back to their hotel after hanging out together in a friendship group.

There’s lots of groups of established older men in the College going to student nights and student events and hanging around and some of the students talking about finding that uncomfortable.”

Council member:

“Two Council members – when they got onto Council they were very ‘giddy’ at the attention they got from student nurses. And it wasn’t unusual to see them, or student nurses, leaving their accommodation at silly hour in the morning. [The then Chair of Council] had a word with them as well as we were having a word with them in the bar saying that it was not appropriate or professional – I know they are consenting adults, but you need to be careful, you are in an elected position etc.”

Council member:

“I’ve heard talk of sexual, not so much sexual harassment but people taking advantage. My own personal view is I wouldn’t be surprised, if you go to any organisation that has got 5,000 people in attendance and there’s drink flowing, I would not be at all surprised if something would happen at the RCN as it would happen in

any area of society. The RCN is not immune from society. But what you need to do is try to put in as many measures and I don't think the RCN had looked at that particular Congress in that particular way."

Council member:

"A friend told me that [a Council member] had groped her and I said 'for God's sake you were' – she'd moved jobs by then, she was working outside the NHS, the RCN – and she only told me this about two or three years ago. I said, 'for God's sake, why didn't you put in a formal complaint', she said 'oh well he would have said I was mistaken and it was an accident'. I said 'yes but you knew he was doing it to enough staff members'. Like I said she has sadly died now but it was almost like an open secret that if you were in a room alone with [the Council member] he'd grope you."

Council member:

"There's many open secrets about the conduct of elected members and staff especially around Congress, especially around their personal behaviour and I was told coming into Council that students need to be on their guard really and are quite vulnerable and I can see what they meant by it.

I do know as well from speaking to older members who have had long term involvement and who are willing to talk, have spoken about a party like atmosphere at Congress or events with I'm sure the expression 'Congress wives' has come up."

Former staff member:

"[A Council member] has had serial sexual relationships with members or with staff at the RCN. We'd have a dinner in the evening of the Council meeting and it almost became a ritual that he would get up at 10 o'clock and go up to bed, and then 10 minutes later, [another Council member] would get up and go up to bed, and when she left, all the Council members would then titter that this had happened yet again. So it was a completely open secret in a way, that they were having this ongoing relationship, and I never knew a time when he wasn't using some of his RCN position to conduct an extra-marital relationship with another woman. One evening when he was off with [the other Council member] I had to take his wife out for the evening. I felt very awkward and somehow duplicitous that I was involved in entertaining his wife while he was off doing something with [the other Council member].

Elected official:

"It's not that I've got any downer on people having sex, what I object to is people who portray themselves as family men and they're this and they're that and they're honourable and they wheel their families out and they'll turn up with their wives and children at events sometimes, and they just assume that you're not going to say anything. You're put in a position that you have to keep their little affair secret. Consenting adults can have sex as much as they like with who they like as long as they're consenting adults, but when there's a power imbalance, you just think really? So the students sort of – I don't know if the students have been pushed into having sex, I'm not there I can't say that, but you just wonder what the attraction is, why would you sleep with somebody twice your age who is... anyway. But there is this sort of atmosphere."

Staff member:

“There’s grooming there, there’s people getting drunk, there’s all stuff happening in hotel rooms. So comments like ‘what goes on at Congress stays at Congress’, it’s things like that where it’s a rumour of ‘it’s a nightmare, it’s always been a nightmare and when some of the staff go they go in the knowledge that they need to be the last one out of the room so if there’s any behaviour they can see it and try and stop it. So when they have the social events it’s usually a staff member who stays behind right to the very end just to make sure everything’s okay.

So there’s a nurse who is 40 years in who was a staff member now and she said ‘look, you know what nursing’s like’; she said ‘this is different when you go to Congress – what it feels like is a group of predatory males who are purposefully trying to engage younger more impressionable nurses in different activities and that’s male/female, it’s not restricted to gender’. So she was explaining this story to me about how uncomfortable it made her feel when she’d been to Congress but it was just one of those things that was always known and never really tackled.”

Council member:

“The broader nursing culture has always been alcohol and fairly highly sexualised, that’s been obviously reflected in the culture of the RCN where they’re all nurses or largely nurses. But I think what has happened particularly with Congress is that it has been seen as an opportunity to actually take that further, abuse, grooming, preying on vulnerable people and that is what we need to address and what needs to be addressed.

It’s the boozy sexualised culture but if you have that culture then the more sinister end of that continuum becomes much more of a risk – the problem is when that steps beyond the sort of consensual element into power exchange and that’s where the problem lies and how do we address that.”

Whilst most of the evidence that I received related to the conduct of elected officials/ Council members, it was far from exclusively so – I also had concerns raised about the behaviour of staff (although no reference was made to any current members of staff). Two senior ex-members of staff were mentioned as having had sexual relationships with other staff members and with Council members albeit not in the context of attendance at Congress. At the very least this behaviour, which appears to have been well-known, will have contributed to the perception that Congress is a place at which sex happens.

Allegations of sexual harassment occurring outside of the Congress environment have also been drawn to my attention. I propose not to highlight these cases in particular detail but note that they do to some extent support the impression that there is a culture of some senior individuals seeking to take advantage of subordinates and engaging in unwanted sexual behaviours. Beyond this limited number of individual cases, I did not receive any evidence to support any wider allegations of sexual misconduct.

It is right that I complete this section of my Review by acknowledging the courage of a number of individuals who have provided me with evidence of their own particular experiences. As I have already stated, investigation of those individual complaints falls outside the scope of a review of culture save to the extent that those cases supported a

particular conclusion as to the existence of such a culture. Sadly, in an organisation the size of the RCN, there will always be some individuals who fail to behave as they should but the examples that I received were either too historic or too disparate to evidence a significant cultural issue which the College needed to address. I do however, hope that as a result of the steps taken by the College after the decision to take conference to an on-line only event in 2021, have provided the membership with some comfort that allegations of sexual harassment or misconduct will be taken seriously and acted upon.

Roles and responsibilities of staff and elected members

Much of what I have to say on this topic has been set out above. The evidence that has been provided to me has led me to the conclusion that, at least until very recently, the RCN has been a dysfunctional organisation. Much of that stems from the breakdown in trust as between staff and elected members. That breakdown of trust, coupled with a lack of clarity within governance as to how roles and responsibilities are drawn as between staff and Council, has led to a culture in which in which staff feel both threatened and undervalued.

Similar observations have been made in the KPMG Report which concluded, amongst other things, that there is a need for improved clarity in the definition of key executive and member roles and for a as well as a revised scheme of delegation to address ambiguities within the current scheme.

Many of the cultural problems that I have identified also in my view stem from the lack of preparedness that elected members have, particularly at Council level.

Some positive voices amongst the gloom

Almost without exception, those with whom I have interacted during the Review process have said that they want the organisation to succeed and want it to do so for its members. Their words again capture the sentiment more effectively than I could:

Staff member:

“It is a purpose led organisation and it has this incredible potential/opportunity and some of what has happened, in my view, is the consequence of the organisation not having evolved its infrastructure.”

Staff member:

“I’m 100% committed to the RCN being a force of brilliance for nursing and the way to do that for me is not by maintaining the status quo and remaining stagnant and being quiet and meek and mild, it is for our members to become more small p politically active.”

Staff member:

“It’s an amazing organisation you know, it’s a fantastic organisation, for me I hate the fact that this has got this venom in it when I know that we do amazing things every day, helping and supporting the nursing profession.”

But clearly, it can and must do better in order to improve the service that it provides to its members and to avoid a return to the extreme dysfunction that was evident in 2020/21. With that in mind, I will now turn to the Recommendations that seem to me to be appropriate to address the cultural issues that I have identified.

Recommendations

1. Following the Recommendations made by KPMG

A number of the issues that I have identified were also noted by KPMG who then made recommendations in relation to them. The work that I have done only serves to reinforce the importance of those recommendations. No doubt because their focus was on governance rather than culture, KPMG have in many respects, merely scratched the surface with regard to the division, distrust and dysfunction within the College – a closer examination of culture has, in my view, demonstrated the full extent of the problems within the organisation. The contents of this Review should give added impetus to some of the suggestions for improvement KPMG have made. In particular:

Recommendation 2: Definition of key roles:

Clear lines of responsibility and accountability need to be established in relation to all the key stakeholders identified by KPMG. Once established, these need to be adhered to. If this is not done decision-making will remain unstructured and the boundaries between Council and Executive will continue to be unclear which will in turn cause further division within the College. The boundaries applicable to the Chief Executive and General Secretary must be made apparent not only for the post-holder but as importantly for those who interact with him or her. A clear job description will assist in ensuring that Council remains within its governance role and does not cross over into an operational one. The same applies to the role descriptors for the Chair and Vice-Chair of Council. As far as the President and Vice-President are concerned, I recommend that not only is a role description developed but also consideration be given to extending the tenure to four years rather than the current two years.

Recommendation 4: Scheme of Delegation

Again, to remedy the culture in which roles and responsibilities are blurred, the areas of responsibility for each of Council, the Executive, the PNC and the TUC need to be clearly defined. There is a need for process maps for decision making for both staff and members. Member forums, committees and boards need to understand which decisions they can make, and which need to be escalated and to whom.

Recommendation 5: Strengthen the role of the External Advisor

My recommendation here is slightly different from that which was put forward by KPMG in that whilst they have suggested that the role of the External Advisor be strengthened, my suggestion is that an External Advisor be recruited to fulfil a new role as part of a new committee, namely a Standards & Ethics Committee. The Committee should be made up of a mixture of Council, Executive and External Members and should have the power to initiate its own investigations even if not raised within the framework of the Member Resolution Policy. It should also have the power to address and issue guidance on behavioural or ethical issues where it identifies issues of concern which are not sufficiently specific to generate an individual complaint, for example policy on questions such as conflicts of interest.

Recommendation 8: Supporting members in role

The lack of training and the haphazard way in which induction takes place leads to a lack of understanding of the role of Council Members and a potential breakdown of

governance. Training should also extend to diversity issues and should encompass existing Council and Committee Members as well as newly elected or appointed ones, in particular with reference to unconscious bias. Such training should be RCN and, as far as possible, role specific and should be a requirement irrespective of other training which individuals may have received in the workplace or elsewhere. Training should also include a component on reading financial accounts. Training on discrimination and sexual harassment should be a requirement for all those elected to posts within the College.

Formal mentoring and coaching should be made available to Council members so that they are given the confidence properly to undertake their roles.

I would also emphasise the need for the develop a leadership programme at Board and Branch level. If the College is ever to reach a position in which its Council reflects the make-up of its membership, it needs to provide a pathway for those who do not as yet see themselves as willing or able to take up such a position.

Recommendation 9: Refresh the Respect Charter

As will be apparent from much of the contents of this Review, the Respect Charter is not respected. The need for it (using KPMG's words) "to be embedded fully through the RCN's values, training and induction" cannot be over emphasised. Adherence needs to start from the top and be demonstrable to the membership as a whole.

Recommendation 10: Develop an approach to support diversity of membership in all governance forums

If one looks at the gender breakdown as one sees it at Regional Board level, with the exception of the Northern Board, the majority of members are women. This is true also of Branch Committees and most of Committees of the College. There are again exceptions, many of which relate to areas in which men are often seen to dominate – Audit, Finance and Governance. Council is also majority male. As set out above, it is seen by many as a bullying and misogynistic environment in which women and those from the BAME community are not welcome. Unless there is overt and concrete support for diversity initiatives within the College, it will never mirror the characteristics of the membership and at Council level it will remain a place that is dominated by "the same old faces", most of which are male and white. That in turn will then lead to those who do not feel welcome taking their membership elsewhere.

I am aware that EDI staffing has been increased recently and that work is in progress in developing a strategy. That strategy needs to ensure that Member Networks are developed within a proper framework of financial resource and centralised support. To date, the growth of EDI networks has been ad hoc and without any central coordination. The College should also be prepared to create and invest in and robustly support self-organised groups for example BAME, LGBT+ or disabled members.

As well as EDI initiatives, the structure of Council needs to be examined. At present the region/country model produces a male, trade union and public sector-oriented oversight body which does not reflect what the membership of the College looks like. There are too many individuals in senior elected roles who have dominated the College for too long and at the expense of greater diversity. The College should examine the

rules which allow for successive periods in senior posts for over 20 years. As a points of reference:

- INMO – there is a six-year limit for membership of the Executive Council (based on three terms of two years each);
- RCM – after holding office for a maximum of six years, there is a requirement to have a three-year gap.

Consideration should be given to reserving posts in order to ensure proportionality and fair representation – for instance BAME or women reserved places, places by reference to profession or non-NHS employment. The College should also look at how representation of other protected characteristics can be supported. Until such time as any changes are made to the rules, those who have been in senior posts for long periods, should consider whether it would help to improve the culture and diversity within the College, if they were to step down at the end of their current period in office rather than stand again for the same or another role.¹²

There also needs to be a ‘lessons learned’ review of the reasons why so many women (and BAME members) resigned from Council. Again, determination of the particular cases fell outside the scope of my review of culture but given the gulf between the stated reasons and the views expressed by a significant number of remaining members of Council, this issue needs to be the subject of detailed investigation in order to ensure that in future, women and BAME members of Council do not feel unable to continue with their role.

Recommendation 11 – Define member involvement

The importance of getting a clear understanding of what is meant by and what is actually achievable in relation to, the term “member led” cannot be overemphasised. The difficulty here is firstly that there is no homogenous “RCN Member”. As this Review has demonstrated, there are widely differing views within the membership on issues which are contentious and one view can no more be described as the “member led” view than any other. Furthermore, the RCN has nearly half a million members, divided between public and private sectors and employed across a vast range of specialities, seniority, experience and backgrounds. In addition, how does one decide what the member view is on any given subject? When I asked this question of interviewees, the answer that I tended to get was “oh well, I speak to the members”. But that is no way in which to actually test the mood of the membership as a whole. Instead, as I hope I have shown above, the term “member led” becomes a justification for pushing back against a recommendation made by the Executive and/or for advancing a personal view under the “member led” banner. In addition, even if one was able to identify a sufficiently clear position on an issue from a representative level of

¹² This is an additional point to be made here but not one which I feel able to express as a specific recommendation. Whilst I have sought to anonymise as far as possible, any individual who has provided evidence or who has the subject of criticism, there will be individuals on Council who will recognise themselves as falling into the latter category. I did not consider it within the scope of my Review to ‘out’ any person who may be specifically responsible for some of the negative cultural issues that are apparent to me but where individuals do recognise themselves as having been in some way at fault, they may also wish to consider whether they should properly continue in their role as Council members.

the membership, that position may be unsustainable or unachievable. The end result of all of this in my view is that the College should consider whether an alternative formulation is used – such as “member responsive”. In other words, it will attempt as best it can to understand the views of the membership and will then implement those views as far as it is able to do so. This would also mean that the Executive and Council were free to make decisions on things other than what KPMG have described as “the big decisions.” It would also prevent the label ‘member-led’ being used as a justification for decision-making when in fact, the decision cannot actually be shown to be what members actually want.

Recommendation 19 – Reconsider the requirement to call an Emergency General Meeting

I have dealt at some length above with the cultural consequences of the current EGM limit – as I have already stated, it creates fear, paralysis and substandard decision making. It also gives a small number of members (0.2%) a disproportionate ability to affect the organisation. It is very damaging and should be changed so that when an EGM is called, it is done on the basis of a properly representative community within the College.

2. Additional recommendations

A. Addressing key underlying issues which are the cause of continuing division

There are two significant and connected issues which need to be determined once and for all if the College is to move forward in a united way. The two issues are connected. As set out in some detail above, there is significant tension within the College which arises from the fact that it is both a trade union and professional body. There is also a wish from some within both sides of the organisation for a split to take place. In addition, there is a push from some on the trade union side for the post of Chief Executive/General Secretary to be split and a number of contributors to the Review gave specific examples of individuals who not only expressed this view but also appeared to have their own designs on securing appointment to a newly created post of General Secretary. As long as these issues continue to rumble on, they will remain as contributors to division and dysfunction within the College. It seems to me that both of these boils need to be lanced – the College needs to have a definitive and ‘member-led’ position on splitting the College itself and splitting the current Chief Executive/General Secretary post. I would therefore recommend the widest possible consultation with members on these two key issues.

B. Develop on-line technology to increase member engagement

I have deliberately avoided putting forward any recommendation as to how that consultation should be conducted as it seems to me that it is for the College to decide how that is best achieved. However,¹³ there is a linked point here. Although I am not suggesting that this could be achieved prior to the definitive position being determined on the two issues set out above, there is a need to improve member engagement. We live in a world in which fundamental aspects of our lives are carried out on-line. From the evidence that I have seen, the RCN is behind the curve on its approach to the use of technology. I recommend that a root and branch review is conducted into the current and proposed future use of technology with a view to substantial investment in this aspect of its activities. Members need to have immediate and up-to-date methods of receiving and sending information and the College needs to ensure that it has the most effective platform for this to be achieved. Wherever possible, voting should move to an on-line basis as this will be very likely to increase turnout.

C. Provide more support for attendees at Congress

Given not least the concerns that have been raised with me about inappropriate sexual activity at Congress, the College should take steps to establish a formal structure to support vulnerable attendees, in particular those with protected characteristics but also other groups – for example students – who may be susceptible to sexual exploitation. A Code of Conduct for expected behaviour of members at Congress should be developed.

D. Investigate the full extent of any inappropriate sexual activity at Congress

Again, given those same concerns, I recommend that a detailed fact-finding investigation be conducted in order to identify the extent to which the inappropriate sexual culture at Congress has actually resulted in exploitation of the vulnerable. The work that I have done has enabled me to identify the existence of a louche culture but has not amounted to an investigation of particular instances of where RCN members or officials have actually taken advantage of or exploited those in respect of whom there was an age/power imbalance.

E. Develop harassment policies and procedures

New harassment policies should be developed for both members and staff and which provide a clear pathway for the making and resolution of complaints of inappropriate behaviour. These should extend not just to sexual harassment but harassment by reference to other protected characteristics such as sexuality or disability.

¹³ There are unfortunately statutory limitations on this in that, for example, postal ballots for industrial action and for appointment to certain posts within the College are required under the terms of the Trade Union & Labour Relations Consolidation Act 1992. Having passed the Trade Union Act 2016 which at least opened the door to on-line voting, the government has managed to kick this issue well into the long grass with no steps being taken following the recommendation in the Knight Review in 2017 which recommended a pilot programme of online voting. The RCN should be lobbying for further progress to be made on this front.

F. Review the selection of the Agenda Committee

I would also recommend that the College reviews the way in which the Agenda Committee is selected. At present, it is elected by representative bodies at Congress but the present system produces a committee which is made up almost exclusively of individuals who come from a trade union background. This serves only to increase the concerns on the professional side of the College that they are very much the minor partners.

G. Review voting arrangements at Congress to ensure that all voices are heard

In order to help to ensure that the College is as inclusive as possible, I would also suggest that the voting rules at Congress are reviewed in order to ensure that, as far as possible, they allow for all voices to be heard and considered. At present, the rules provide that branches and forums each get one vote per 1,000 members. Nursing Support Workers, Learning Representatives, Safety Representatives, Stewards, and Students then get seven votes each. This does not, for example, ensure that the voices of the BAME, disabled, retired or LGBTQ are represented. The College needs to examine how this can be achieved and if the voting rules need to be changed in order to achieve this.

H. Rebuild trust as between Council and Executive

Whilst there has been an improvement in the last year or so, there is still a substantial trust gap as between Executive and Council. When I attended a Council meeting recently, it was striking and concerning to hear one Council member still talking in terms of having been “lied to” by the Executive. There is clearly work to be done to ensure that these two key elements in the College structure are able to rebuild mutual trust and confidence. Again, I do not wish to be prescriptive as to how this is achieved but some form of externally mediated discussion and coaching needs to take place so that each side can feel properly understood by the other and that the relationship move from dysfunctional to constructive. This process should culminate with the production of guidelines on how staff and members should work collaboratively and effectively.

