

Trade Union Facility Time Policy

Issue Date	Review Date	Version
April 2014	Extended to November 2022	2.5

Purpose

The policy defines the facilities and facility time arrangements which the Trust will provide for accredited trade union representatives, to enable them to carry out trade union functions.

Who should read this document?

All Trust employees

Key Messages

The Trust fully supports the role of trade unions in supporting the organisation and its staff in providing the best possible patient care.

Core accountabilities

Owner	HR Business Partner
Review	JSNC
Ratification	Director of People
Dissemination (Raising Awareness)	HR Business Partner
Compliance	HR Business Partner

Links to other policies and procedures

Trade Union Recognition Agreement

Version History

2	February 2014	Draft
2.1	April 2014	Draft following Sub Group Consultation and Discussion
2.2	January 2015	Minor amendment – following JSNC group discussion
2.3	October 2019	Extended to February 2020 by Lisa White
2.4	June 2020	Extended to May 2021 by Lisa White
2.5	August 2021	Extension granted until November 2022

The Trust is committed to creating a fully inclusive and accessible service. Making equality and diversity an integral part of the business will enable us to enhance the services we deliver and better meet the needs of patients and staff. We will treat people with dignity and respect, promote equality and diversity and eliminate all forms of discrimination, regardless of (but not limited to) age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage/civil partnership and pregnancy/maternity.

**An electronic version of this document is available on Trust Documents.
Larger text, Braille and Audio versions can be made available upon request.**

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1 Introduction

- 1.1 The policy, read in conjunction with the ACAS Code of Practice and relevant legislation, defines the facilities and facility time arrangements which the Trust will provide for accredited trade union representatives, to enable them to carry out trade union functions.
- 1.2 Accredited Staff Representative means an employee of the University Hospitals Plymouth NHS Trust (hereafter known as the Trust), duly accredited by their Trade Union to represent all or some of their membership who are employees of the Trust; their accreditation being notified to management by the appropriate National/Regional office. Trade Union means an organisation recognised by the Trust.

2 Purpose and Responsibilities

- 2.1 This policy aims to support the development of an effective partnership between managers and trade union representatives, in the application of employee relations within the Trust. This will ensure that the Trust is able to meet its statutory duties and continue to provide best possible care to patients and support the achievement of high staff motivation and engagement.
- 2.2 Jointly, the Trust and the trade unions:
- have a common objective in ensuring the effective delivery of health services to the benefit of patients and users of the Trust;
 - recognise the importance of good employee relations and the efficient use of resources to achieve effective health care delivery;
 - recognise that they must work together to foster an environment which encourages communication, co-operation, high standards and appropriate levels of support for staff;
 - acknowledge the value of up to date, regular information on important changes which affect employees and the need, where appropriate, to take early account of staffs' views;
 - are committed to the development of policies and procedures that promote equality in line with relevant legislation.
- 2.3 Responsibilities – Trade union representatives and management have a responsibility to operate within the policy and guidance set out below.

3 Policy & Process

FUNCTIONS OF TRADE UNION REPRESENTATIVES AND TIME OFF PROVISIONS

- 3.1 The Trust will, as far as is reasonably practicable, provide paid time off to allow local trade union representatives to carry out their legitimate functions. This will be in accordance with national guidelines issued by the NHS Staff Council and the ACAS Code of Practice "Time off for Trade Union Duties and Activities". The functions detailed below are recognised by the Trust as relating to the employee relations functions of accredited representatives:

- Duties involving the representation of individual members who are employees of the Trust. This will include, for example, attending and preparing for meetings with members and/or managers in connection with the handling of grievance, performance and conduct, and sickness absence matters.
- Consultation or negotiation with managers and attendance at JSNC meetings, including all JSNC sub committees.
- Informing members of the outcome of consultations or negotiations with Managers.
- Reasonable paid time off to undertake the functions of a Union Learning Representative may be granted. This will be in accordance with more detailed guidance on Union Learning Representatives within the ACAS Code of Practice.
- Attending meetings with other local/regional representatives or with full time officers on matters concerning employee relations within the Trust.
- Time involved in preparation including the reading of documents for any of the above including pre-meetings for JSNC or JSNC Policy Forum.
- Attending meetings where representatives are a member on behalf of staff side colleagues.
- To appear on behalf of members before an outside body e.g. an Employment Tribunal or Professional Body such as the NMC.

The trade unions will provide representatives with written union credentials and, under this agreement, will inform the Director of HR&OD of the names of each proposed accredited representative, for agreement.

Accredited representatives will normally be accepted by the Trust. However, in some circumstances, e.g. where there may already be a number of representatives from a particular area, or a concern about performance of NHS duties, there may need to be discussion with the relevant trade union over accreditation and the granting of facility time.

The Trust agrees to recognise the representatives and full-time officers of the trade unions listed in **Appendix 4**.

3.2 Facility time with pay

Reasonable facility time with pay will be granted to accredited representatives where this is required:

- For the performance of functions described in 3.1 above.
- For attendance at annual national conferences of the union, which have been pre-agreed. Normally time off with pay will be granted to delegates, usually one per union. On occasions, it may be appropriate for more delegates to attend which will be discussed and agreed in advance with the Deputy Director of HR.

- For employee relations training approved by the Trust or recognised trade union.

3.3 Facility time without pay

The Trust may grant time off without pay (or annual leave) where requested by trade union representatives to allow them to undertake trade union activities, which are not incorporated in the functions outlined above.

Where official demonstrations, rallies and emergency branch meetings are held and permission is sought in advance, leave without pay may be granted subject to the needs of the service. Trade unions will co-operate in keeping such requests within reasonable limits.

3.4 Conditions relating to Facility Time Provisions

3.4.1 General

In most cases reasonable advance notice should be given to the management (at least 5 days) in order to ensure service provision can be maintained, where this is practical. It is recognised that in some urgent cases, this may not always be possible.

An indication should be given to the representative's line manager of the general nature of the business (e.g. "meeting with member", "meeting with a manager", "conduct hearing" etc) and the expected duration of the absence. This should be done prior to leaving the place of work, and the reasons for the request should be given. It is recognised that representatives may, from time to time, require time off at short notice. Managers will endeavour to accommodate this where practicable. However, facility time may not always be able to be granted if service provision would be jeopardised.

Where an accredited representative receives an emergency call from a member, the representative shall request permission from their head of department or line manager before leaving their post.

3.4.2 Requests for Facility Time

Requests for time off, either with or without pay, must be notified in writing to the appropriate line manager for approval using the "Facility Time Record form for Trade Union Duties" (attached as Appendix 4).

Subject to this request, approval will be given unless exceptional service needs prevent this. When approving time off arrangements, managers should take into consideration the provisions of the Working Time Regulations, especially in relation to daily and weekly rest breaks. Any disputes about approval should be referred in the first instance to the appropriate HR Business Partner from the relevant Care Group or Corporate Directorate, and subsequently to the Deputy Director of HR.

In recognition of the additional duties undertaken by the larger trade unions listed below, Facility Time with backfill is currently allocated on the basis of:

- Unison – 3 days per week
- RCN – 3 days per week
- GMB – 3 days per week
- JSNC H&S Chair – 2 days per week
- Unite – 1 day per week
- Staff Side JSNC Chair – 1 day per week
- Staff Side JSNC Secretary – 1 day per week
- JSNC H&S Secretary – 1 day per week
- BMA – 0.5 days per week

The Trust reserves the right to review and alter, following consultation with Staff Side, the proportion of the above stated backfilled facility time afforded to trade unions and/or Staff Side functions.

Wherever possible the Trust and Trade Unions will work towards ensuring that representatives remain in their NHS roles for the majority of their working time. For the avoidance of doubt the spirit of this agreement is that both sides will work together towards achieving this but in the event that this is not possible it is accepted that an individual may need to work the majority of time on union and JSNC business.

3.4.3 Facility Time for Training for Trade Union duties

Requests for paid time off for training must be made through the time off approval process set out above. Time off with pay is normally granted, subject to the needs of the service, but responsibility for fees and expenses for such training rests with the union concerned.

3.4.4 Disciplinary Action Against an Accredited Trade Union Representative

In the event of disciplinary action against an accredited trade union representative, which is related to their trade union activities, this will be discussed with the relevant full time officer and he/she will be provided with the opportunity to be accompanied by full time officers in connection with any disciplinary hearing.

FACILITIES FOR TRADE UNION REPRESENTATIVES

3.5 The Trust will provide for joint use by accredited representatives of recognised trade unions:

- an office with appropriate furniture and access to IT
- access to the internal mailing system
- the use of photocopying and telephone facilities, (provided that these have direct relevance to the Trust's activities)
- access to the Trust Intranet.

The Trust will provide notice boards for the display of trade union material. No trade union notice may be displayed elsewhere without the approval of the Director of Planning and Site Services. Any unauthorised notices or notice boards will be removed.

3.6 Management is prepared, on request, to provide accommodation on hospital premises for official meetings of union members taking place at reasonable times

outside working hours and for those within working hours as may be agreed by the Director of HR&OD.

- 3.7 Access by Full Time Officers - Full time officers of recognised trade unions will have access to members on Trust premises for the performance of their duties under paragraph 3.1 above. Visits other than to meet members are to be agreed with the Service Line Manager / Head of Department responsible for the area, prior to the visit.

4 Template Letters

- 4.1 Request for Facility Time Form (Appendix 3).

5 Overall Responsibility for the Document

- 5.1 The Director of HR and OD is responsible for ratification, dissemination, implementation and review of this policy.

6 Consultation and Ratification

- 6.1 The design and process of review and revision of this policy will comply with the Development and Management of Trust Wide Documents.
- 6.2 The review period for this document is set as default of five years from the date it was last ratified, or earlier if developments within or external to the Trust indicate the need for a revision to the procedures described.
- 6.3 Non-significant amendments to this document may be made, under delegated authority from the Executive Director, by the nominated author. These must be ratified by the Executive Director and should be reported, retrospectively, to the approving group or committee.
- 6.4 Significant reviews and revisions to this document will include a consultation with named groups, or grades across the Trust. For non-significant amendments, informal consultation will be restricted to named groups, or grades who are directly affected by the proposed changes.

7 Dissemination and Implementation

- 7.1 Following approval and ratification, this policy will be published in the Trust's formal documents library and all staff will be notified through the Trust's normal notification process.
- 7.2 Document control arrangements will be in accordance with The Development and Management of Trust Wide Documents.
- 7.3 The document author(s) will be responsible for agreeing the training requirements associated with the newly ratified document with the named Executive Director and for working with the Trust's training function, if required, to arrange for the required training to be delivered.

8 Monitoring Compliance and Effectiveness

- 8.1 Monitoring of this policy and its processes will be undertaken through feedback between the Staff Side Chair and Director of HR&OD. This policy will be reviewed every five years or sooner where employment law or practice requires it, by the HR and Organisational Development Directorate and staff side.

9 References and Associated Documentation

- 9.1 ACAS Code of Practice “Time off for Trade Union Duties and Activities”.

Dissemination Plan			
Document Title	Trade Union Facility Time Policy		
Date Finalised	April 2014		
Previous Documents			
Action to retrieve old copies	Will remove previous document and replace with updated version		
Dissemination Plan			
Recipient(s)	When	How	Responsibility
All Trust staff		Information Governance StaffNet Page	Information Governance Team

Review Checklist		
Title	Is the title clear and unambiguous?	Yes
	Is it clear whether the document is a policy, procedure, protocol, framework, APN or SOP?	Yes
	Does the style & format comply?	Yes
Rationale	Are reasons for development of the document stated?	Yes
Development Process	Is the method described in brief?	Yes
	Are people involved in the development identified?	Yes
	Has a reasonable attempt has been made to ensure relevant expertise has been used?	Yes
	Is there evidence of consultation with stakeholders and users?	Yes
Content	Is the objective of the document clear?	Yes
	Is the target population clear and unambiguous?	Yes
	Are the intended outcomes described?	Yes
	Are the statements clear and unambiguous?	Yes
Evidence Base	Is the type of evidence to support the document identified explicitly?	Yes
	Are key references cited and in full?	Yes
	Are supporting documents referenced?	Yes
Approval	Does the document identify which committee/group will review it?	Yes
	If appropriate have the joint Human Resources/staff side committee (or equivalent) approved the document?	Yes
	Does the document identify which Executive Director will ratify it?	Yes
Dissemination & Implementation	Is there an outline/plan to identify how this will be done?	Yes
	Does the plan include the necessary training/support to ensure compliance?	Yes
Document Control	Does the document identify where it will be held?	Yes
	Have archiving arrangements for superseded documents been addressed?	Yes
Monitoring Compliance & Effectiveness	Are there measurable standards or KPIs to support the monitoring of compliance with and effectiveness of the document?	Yes
	Is there a plan to review or audit compliance with the document?	Yes
Review Date	Is the review date identified?	Yes
	Is the frequency of review identified? If so is it acceptable?	Yes

Overall Responsibility	Is it clear who will be responsible for co-ordinating the dissemination, implementation and review of the document?	Yes
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Core Information	
Date	April 2014
Title	Trade Union Facility Time Policy
What are the aims, objectives & projected outcomes?	The policy defines the facilities and facility time arrangements which the Trust will provide for accredited trade union representatives, to enable them to carry out trade union functions.
Scope of the assessment	
Collecting data	
Race	There is no evidence to suggest there is a disproportionate impact on Race. However, this will be monitored via feedback from individuals affected by this policy.
Religion	There is no evidence to suggest there is a disproportionate impact on religion or belief or non-religion. However, this will be monitored via feedback from individuals affected by this policy.
Disability	There is no evidence to suggest there is a disproportionate impact on disability. However, this will be monitored via feedback from individuals affected by this policy.
Sex	There is no evidence to suggest there is a disproportionate impact on sex. However, this will be monitored via feedback from individuals affected by this policy.
Gender Identity	There is currently no data collected on Gender Identity but this will be monitored through feedback.
Sexual Orientation	There is no evidence to suggest there is a disproportionate impact on sexual orientation. However, this will be monitored via feedback from individuals affected by this policy.
Age	There is no evidence to suggest there is a disproportionate impact on age. However, this will be monitored via feedback from individuals affected by this policy.
Socio-Economic	No negative impacts identified. This policy supports those who have trade union responsibilities.
Human Rights	The policy is in line with statutory and legislative requirements.
What are the overall trends/patterns in the above data?	There are no trends/patterns at this point. Data will be monitored through the application of this policy.
Specific issues and data gaps that may need to be addressed through consultation or further research	

Involving and consulting stakeholders				
Internal involvement and consultation	Policy sub group.			
External involvement and consultation				
Impact Assessment				
Overall assessment and analysis of the evidence	This policy aims to support the development of an effective partnership between managers and trade union representatives in the application of employee relations within the Trust.			
Action Plan				
Action	Owner	Risks	Completion Date	Progress update

FACILITY TIME FOR TRADE UNION DUTIES

Part A

Full Name and Job Title

Care Group and Department

Part B

This part must be completed in advance for all requests for time off work to undertake duties in your capacity as an elected Representative. This includes individual representation, JSNC meetings or other meetings with management etc. If, for any reason, a form cannot be completed in advance, you must obtain permission to leave work and the form must be completed as soon as possible.

Reason for Absence:

.....
.....
.....

Leave requested from (date) (time)to
(date).....(time)

No. of working hours/days

Signature of Representative Date

Part C (For completion by Line Manager / Head of Department)

Time off to undertake Trade Union duties is **approved/not approved*** (Please delete as appropriate)

If approved, number of hours/days approved Paid/Unpaid*

Signed Date

Designation

Following completion, this form must be kept by the Line Manager.

Trade Unions Recognised by University Hospitals Plymouth NHS Trust

British Dietetic Association

British Medical Association

British & Irish Orthoptic Society

Chartered Society of Physiotherapists

GMB

Hospital Consultants and Specialists Association

Royal College of Midwives

Royal College of Nursing

Society of Radiographers

UCATT

UNISON

UNITE