

Trade Union Recognition Agreement Policy

Date	Version	
September 2014	2.1	
Purpose		
This document sets out the formal relationship between Plymouth Hospitals NHS Trust and the Trade Unions who represent staff.		
Who should read this document?		
All staff		
Key messages		
This Agreement recognises the Unions as having sole collective bargaining and individual representation rights for their members.		
Accountabilities		
Production	HR Business Partner	
Review and approval	JSNC	
Ratification	Heinz Scheffer, HR Director	
Dissemination	HR Business Partner	
Compliance	HR Business Partner	
Links to other policies and procedures		
Version History		
1.1	July 1998	Staff Side
1.2	June 2011	Review date Extended
1.3	March 2012	Review date Extended
1.3	July 2014	Document Extension Agreed
2	September 2014	Approved by JSNC
2.1	October 2019	Extended to February 2020 by Lisa White
Last Approval		Due for Review
September 2014		Extended to February 2020

The Trust is committed to creating a fully inclusive and accessible service. By making equality and diversity an integral part of the business, it 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 the Trust Documents. Larger text, Braille and Audio versions can be made available upon request.

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1 Introduction

This policy sets out the formal relationship between Plymouth Hospitals NHS Trust and the Trade Unions who represent staff.

2 Purpose, including legal or regulatory background

THIS AGREEMENT IS BETWEEN:-

Plymouth Hospitals NHS Trust (hereinafter called the "Trust") and the;

- British Dietetic Association
- British Medical Association
- British & Irish Orthoptic Society
- Chartered Society of Physiotherapists
- GMB
- Hospitals Consultants and Specialists Association
- Managers in Partnership
- Royal College of Midwives
- Royal College of Nursing
- Society of Radiographers
- UCATT
- UNISON
- Unite

(Hereinafter called the "Unions")

In the event that any of the Trade Unions mentioned above ceases to have members employed by the Trust, all rights under this agreement will be forfeited, unless and until such time as it is agreed otherwise.

3 Definitions

The recognition agreement is mutually agreed by the joint Chairs of the Joint Staffing Negotiating Committee (JSNC). It outlines the arrangements for consultation and partnership working and to which Unions this applies to.

4 Duties

MAINTAINING GOOD EMPLOYEE RELATIONS

Both parties agree that it is in their mutual interest to observe the consultation and negotiation procedures by which any issues arising between them can be considered and resolved.

Both parties agree that at each stage of the relevant procedure, every attempt will be made to resolve issues raised. It is further agreed that in the event of any difference arising which cannot immediately be resolved, then whatever practice or agreement existed prior to the difference shall continue to operate pending a settlement or until the agreed procedure has

been exhausted, unless exceptional operational practicalities or the interest of patients prevail.

Both parties agree that at each stage of the relevant procedure every attempt will be made to resolve issues raised and until such procedure has been exhausted, there shall be no stoppage of work, lockout or other coercive action.

REPRESENTATION

The Trust agrees to recognise accredited representatives (who must be employees of the Trust) and relevant full time officials of recognised and certified Trade Unions.

The number of accredited representatives for each Union, will be that agreed from time to time by the individual Union and the Trust, as being necessary to adequately represent the members concerned, having regard to operational needs and the provision of services for patients.

CONSULTATION AND NEGOTIATION ARRANGEMENTS

This agreement establishes a forum - the Joint Staff Committee - at which Trust and Union representatives may formally negotiate and consult upon matters.

The terms of reference for the JSNC are administered and maintained by the Joint Chairs and subject to an annual review. The arrangements set out in this document can be terminated by either the Trust or the Unions, providing three months' notice.

5 Key elements (determined from guidance, templates, exemplars etc)

GENERAL PRINCIPLES AND SCOPE OF THE AGREEMENT

This Agreement recognises the Unions as having sole collective bargaining and individual representation rights for their members.

Whilst recognising that Trade Union membership cannot be a condition of employment, the Trust acknowledges the benefits of staff joining an appropriate Trade Union and taking part in its activities. However, the Trust will seek to ensure that no member of staff is advantaged or disadvantaged from his/her decision to join a Trade Union or otherwise.

The Parties to this Agreement have a common objective in ensuring the efficiency and success of the Trust for the benefits of patients and staff and shall pursue this by:-

- **Negotiation** for the purpose of reaching agreement and avoiding disputes. The scope of such negotiation shall be those areas specified in relevant legislation and will include the review of any local terms and conditions introduced by the Trust, with the exception of those which apply to Trust Directors.
- **Consultation** - The meaningful exchange and where consultation involves an opportunity to influence decisions and applications and includes:-
 - Planning decisions, including the allocation of resources which have staffing implications;
 - Operational decisions likely to affect the job prospects or job security of particular groups or occupations;
 - All aspects of the immediate job environment and those parts of the individual employment relationship not subject to collective bargaining.

- **Individual Representation** in order that full time and/or local Trade Union representatives may represent individual members in relation to grievance, disputes, disciplinary and grading matters at informal and formal levels. This will also include representation in relation to termination of employment due to redundancy.
- **Information** - Keeping each side fully informed of all relevant matters, including provision by the Trust of information necessary for the Unions to participate in negotiations concerning collective bargaining in accordance with legislation.

The Unions recognise management's responsibility to plan, organise and manage the activities of the Trust according to the objectives set by the Trust Board.

The Trust recognises the Unions' responsibility to represent the interest of their members and to work for improved terms and conditions of employment according to Union policies.

The Unions accept that management has a responsibility to keep all employees directly informed of matters concerning the activities of the Trust, but this does not obviate the requirement under this Agreement to negotiate and consult through the recognised machinery on matters covered by this Agreement.

The Trust and Unions recognises their interdependence and agree that relevant matters affecting their interest shall be considered through the arrangements set out in this document.

6 Overall Responsibility for the Document

The HR Director is responsible for ratifying this document. The HR Business Partner has the responsibility for the dissemination, implementation and review of this policy.

7 Consultation and Ratification

The design and process of review and revision of this policy will comply with The Development and Management of Trust Wide Documents.

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 significant revision to the procedures described.

This document will be approved by the JSNC and ratified by the Director of HR & OD.

Non-significant amendments to this document may be made, under delegated authority from the Director of HR & OD, by the nominated author. These must be ratified by the Director of HR & OD and should be reported, retrospectively, to the approving JSNC.

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.

8 Dissemination and Implementation

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, currently the 'Vital Signs' electronic newsletter.

Document control arrangements will be in accordance with The Development and Management of Trust Wide Documents.

The document author(s) will be responsible for agreeing the training requirements associated with the newly ratified document with the named Heinz Scheffer and for

working with the Trust's training function, if required, to arrange for the required training to be delivered.

9 Monitoring Compliance and Effectiveness

The JSNC will periodically review and assess the effectiveness of the recognition agreement.

10 References and Associated Documentation

None.

Core Information				
Document Title				
Date Finalised				
Dissemination Lead				
Previous Documents				
Previous document in use?				
Action to retrieve old copies.				
Dissemination Plan				
Recipient(s)	When	How	Responsibility	Progress update
All staff		Email	Document Control	

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

Core Information	
Manager	Richard Maguire
Directorate	HR & OD
Date	February 2015
Title	Trade Union Recognition Agreement Policy
What are the aims, objectives & projected outcomes?	<p>This Agreement recognises the Unions as having sole collective bargaining and individual representation rights for their members.</p> <p>Whilst recognising that Trade Union membership cannot be a condition of employment, the Trust acknowledges the benefits of staff joining an appropriate Trade Union and taking part in its activities. However, the Trust will seek to ensure that no member of staff is advantaged or disadvantaged from his/her decision to join a Trade Union or otherwise.</p>
Scope of the assessment	
All protected characteristics have been considered.	
Collecting data	
Race	<p>There is no evidence to suggest there is a disproportionate impact on race.</p> <p>This area will be monitored through feedback from line managers/trade unions</p>
Religion	<p>There is no evidence to suggest there is a disproportionate impact on religion.</p> <p>This area will be monitored through feedback from line managers/trade unions.</p>
Disability	<p>There is no evidence to suggest there is a disproportionate impact on disability.</p> <p>This area will be monitored through feedback from line managers/trade unions.</p>
Sex	<p>There is no evidence to suggest there is a disproportionate impact on sex.</p> <p>This area will be monitored through feedback from line managers/trade unions.</p>
Gender Identity	There is currently no data collected for this protected characteristic so we are unaware of the impact in this area, data will be monitored through feedback from line managers/trade unions.
Sexual Orientation	<p>There is no evidence to suggest there is a disproportionate impact on sexual orientation.</p> <p>This area will be monitored through feedback from line managers/trade unions.</p>
Age	<p>There is no evidence to suggest there is a disproportionate impact on age.</p> <p>This area will be monitored through feedback from line managers/trade unions.</p>
Socio-Economic	There is no evidence to show an impact on Socio-Economics

Human Rights	There is no evidence to show an impact on Human Rights			
What are the overall trends/patterns in the above data?	No trends or patterns identified at this stage. However, this area will be monitored through feedback from line managers/trade unions and appropriate actions will be put in place.			
Specific issues and data gaps that may need to be addressed through consultation or further research	There is currently no data to monitor the impact on gender identity, socio-economic and human rights.			
Involving and consulting stakeholders				
Internal involvement and consultation	HRBPs Policy Sub Group			
External involvement and consultation				
Impact Assessment				
Overall assessment and analysis of the evidence	There is currently no data to monitor the impact on gender identity, socio-economic and human rights			
Action Plan				
Action	Owner	Risks	Completion Date	Progress update
Monitoring of feedback from line managers and Union representatives	HRBPs		On-going	Action will be taken as and when required.

Plymouth Hospitals NHS Trust

Joint Staff Negotiating Committee

Constitution and Terms of Reference

1. **Purpose and Scope**

The purpose of the Committee is to provide a regular and effective forum for joint discussion on matters which may apply to all staff, with the exception of Trust Directors.

The Committee will not usually discuss matters which are too narrow in scope, effecting only one or two individuals, which may be better dealt with more immediately by direct liaison between Union representatives and local management.

2. **Membership**

The Trust will be represented by senior managers, who have the responsibility to negotiate and consult on behalf of the Trust.

The Unions may be represented at meetings by members drawn from employees of the Trust who are accredited representatives of the Unions recognised for full collective bargaining purposes. If a representative of the JSNC ceases to be an employee of the Trust or a member of one of the Unions recognised for full collective bargaining purposes, they will immediately cease to be a member of the Committee.

Additional members may be co-opted by agreement, to attend for specific agenda items where their expertise is of benefit to the process of deliberation. Union full-time officials have the right to attend and fully participate at JSNC meetings.

JSNC meetings will be chaired alternatively by Trust and Union representatives.

3. **Joint secretaries**

Both Trust and Union representatives will each respectively appoint a joint Secretary. The Trust Secretary will be responsible for the preparation of the agendas and minutes of the meetings held and for obtaining agenda items from the Union Secretary.

The agenda will be in two parts, separating items for consultation from items for negotiation. The joint Secretaries will between them agree the status of agenda items in advance of meetings.

The agenda will be distributed by the Trust Secretary to all members at least five days before the date of each meeting.

Minutes of the meetings will be produced by the Trust Secretary, after agreement with the Unions Secretary. Minutes will be ratified at each meeting.

The minutes of each JSNC shall be widely distributed to Trust and Union representatives, within four weeks of each meeting.