



Facilities Arrangements for Trade Unions and Professional Organisations Policy

Date: September 2017

Version number: 2

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Review Date: September 2020

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NHS SHETLAND DOCUMENT DEVELOPMENT COVERSHEET

Name of document	Facilities Arrangements for Trade Unions and Professional Organisations Policy		
Registration Reference Number	HRPRO011	New <input type="checkbox"/>	Review <input checked="" type="checkbox"/>
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Proposed groups to present document to:				
Senior Management Team (SMT)		Staff Governance Committee (SGC)		
Area Partnership Forum (APF)				
All staff				
Date	Version	Group	Reason	Outcome
01/09/2017	2	APF/SGC	Agreed to revise review date as current policy is in line with PIN	PRO

Examples of reasons for presenting to the group	Examples of outcomes following meeting
<ul style="list-style-type: none"> Professional input required re: content (PI) 	<ul style="list-style-type: none"> Significant changes to content required – refer to Executive Lead for guidance (SC)
<ul style="list-style-type: none"> Professional opinion on content (PO) 	<ul style="list-style-type: none"> To amend content & re-submit to group (AC&R)
<ul style="list-style-type: none"> General comments/suggestions (C/S) 	<ul style="list-style-type: none"> For minor revisions (e.g. format/layout) – no need to re-submit to group (MR)
<ul style="list-style-type: none"> For information only (FIO) 	<ul style="list-style-type: none"> Recommend proceeding to next stage (PRO)

Please record details of any changes made to the document on the back of this form

*To be attached to the document under development/review and presented to the relevant group

DATE	CHANGES MADE TO DOCUMENT

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1.0 Introduction

This Facilities Agreement identifies the framework for facilities and time-off for accredited representatives of independent trade unions/professional organisations recognised in accordance with NHS terms and conditions.

It takes cognisance of the relevant statutory framework, including the following:

- Health and Safety at Work Act 1974 and related legislation;
- Trade Union and Labour Relations (Consolidation) Act 1992;
- Employment Rights Act 1996;
- Employment Relations Act 1999;
- National Health Service Reform (Scotland) Act 2004; and
- ‘ACAS Code of Practice – Time Off for Trade Union Duties and Activities’.

NHS Shetland recognises that time off for trade union/professional organisation duties and activities as well as the practical support (or ‘facilities’) needed to carry out all trade union/professional organisation work will be to the mutual benefit of the employer and trade unions/professional organisations.

NHS Shetland recognises that it is vital to good employee relations that its workforce should be represented by accredited officials of recognised trade unions/professional organisations.

NHS Shetland is committed to the partnership agenda and recognises that investment in good facilities arrangements is key to the effective management of the people who deliver health services to meet patient needs.

NHS Shetland recognises the significant increase in demands made on trade unions/professional organisations within the Staff Governance Standard and is committed to supporting the roles required as detailed in the National Health Service Reform (Scotland) Act 2004.

2.0 Employer Responsibilities

2.1 NHS Shetland will:

- Put in place a mechanism, agreed by the Area Partnership Forum, (APF) to enable facilities time to be quantified, (funded where appropriate) and monitored to demonstrate adherence to the principles of ensuring that facilities time arrangements are fair and equitable across the organisation;
- Ensure that management at all levels are familiar with arrangements relating to the Facilities Agreement;
- Ensure no victimisation or detrimental treatment of employees in respect of their trade union/professional organisation involvement; and
- Provide facilities to recognised trade unions/professional organisations as detailed in 2.2 below.

2.2 NHS Shetland will provide the following facilities to recognised trade unions/professional organisations:

- Appropriate accommodation for meetings and trade union/professional organisation education as available, subject to availability;
- Facilities for the deduction of trade union/professional organisation subscriptions from payroll. Information will be provided to trade unions/professional organisations in the format requested;

- Where practicable, provide organisational contact details of new employees or those employees changing jobs, or alternatively provide such employees with contact details of recognised trade unions/professional organisations;
- Secure office accommodation (including the provision of reasonable storage facilities for documentation) for use by representatives, to ensure that confidentiality can be maintained in the carrying out of trade union/professional organisation activity;
- Access to internal and external telephones for use in trade union/professional organisation activity with due regard given to the need for privacy and confidentiality;
- Access to the internal mail system. Where it is considered necessary to distribute to particular workplaces by post, the organisation will bear the cost where mailings are agreed in advance
- Access to the employer's intranet and e-mail systems where available;
- Provision of pagers, where necessary, to trade union/ professional organisation Area Partnership Forums;
- The use of PCs for essential work in respect of supporting Employee Relations;
- Access to administrative support for the Employee Director for Area Partnership Forum, and associated reports with due regard given to the need for privacy and confidentiality;
- Access to the organisation's notice boards at all major staff locations for display of official trade union/professional organisation literature and information. Notices distributed elsewhere on organisation premises must be with prior consent;

- Access for representatives to all documents relating to agreements which affect represented members;
- Access to information for collective bargaining as specified by the 'ACAS Code of Practice – Disclosure of Information to Trade Unions for Collective Bargaining Purposes';
- Access for representatives to all relevant information, such as minutes and agendas pertinent to the partnership process, including the Local Delivery Plan (LDP), financial plans, service development and review plans;
- Facilities for representatives to meet with full-time officers by arrangement; access to video or teleconferencing facilities subject to availability, to support meetings with national representatives as appropriate.
- Facilities to enable recognised trade unions/professional organisations to conduct a ballot where this is required by law.

3.0 Trade Union/Professional Organisation Responsibilities

Recognised trade unions/professional organisations will:

- Elect and accredit representatives in accordance with trade union/professional organisation constitutions;
- Employee Director to Notify the Director of Human Resources (HR) of accredited representatives and areas of responsibility;
- Provide appropriate training for their representatives;
- Ensure representatives are familiar with the Facilities Agreement provisions;
- Ensure that the time and resources provided in this context will be used appropriately and cost-effectively;

- Ensure representatives give reasonable notice of time off requirements and comply with monitoring arrangements.

3.2 Accredited trade union/professional organisation representatives will:

- Abide by the rules of their trade union/professional organisation and the policies and procedures of NHS Shetland;
- Represent their members on matters that are of mutual concern to NHS Shetland and its employees;
- Give reasonable notice of time off requirements. Where possible, pre-planned commitments should be notified over the prior 12 week period. Notification of time off for training courses should be given as early as possible and no later than four weeks prior to the training course.

4.0 Requests for Facilities Time and Arrangements

4.1 It is not possible to be prescriptive about all the roles that require to be undertaken within NHS Shetland or to be exact about the time required to carry them out. It is agreed that requests for paid time off will not be unreasonably refused.

4.2 Subject to adequate notification, accredited trade union/professional organisation representatives will be permitted paid time off during working hours to carry out duties that are concerned with negotiation and consultation with NHS Shetland and for duties connected with meeting the requirements of the Staff Governance Standard including:

- Carrying out the staff survey and completion of the self-assessment audit tool;

- Matters of discipline or grievance, including time to prepare for meetings called under the relevant procedures;
- The physical conditions in which staff are required to work, including participation in risk assessment programmes and local Health and Safety Committees;
- Recruitment of employees to trade union/professional organisation membership, in particular attendance at employee induction courses;
- Allocation of work or the duties of employment between workers or groups of workers;
- Machinery for consultation, including participation in the Area Partnership Forum or its sub- groups, time to prepare for such meetings and disseminate information and outcomes to members and the time involved.

4.3 In addition, paid time off for working hours missed will normally be granted to selected delegates for attendance at trade union/professional organisation conferences. It is expected that the trade unions/professional organisations will meet the costs of delegates' attendance (travel, subsistence etc).

4.4 Reasonable time off with pay (for working hours lost) will be granted to attend training courses approved by the TUC, the STUC or recognised trade unions/professional organisations. Requests should normally be made to the appropriate line manager at least four weeks in advance of the start of the course. Details of the course should be provided. Trade union/professional organisation branches should seek to undertake annual training needs assessment of representatives and branch officers and notify NHS Shetland of findings. Programmes of training may include joint courses with the employer.

4.5 Where time off with pay has been approved, the payment due will equate to the earnings the employee would otherwise have received had they been at work.

4.6 Where meetings called by NHS Shetland management are held on matters covered by 4.2 above and where trade union/professional organisation representatives have to attend out with their normal working hours, appropriate payment will be made or equivalent time off granted in lieu.

4.7 It is recognised that senior trade union/professional organisation representatives, branch secretaries and officers of Area Partnership Forums bear a greater responsibility in terms of trade union/professional organisation duties. NHS Shetland will, therefore, aim to conclude agreements with trade union/professional organisations on appropriate secured paid time off for such representatives and where identified to be reasonable and practicable, arrangements for replacement staffing.

5.0 Planned Release Arrangements

NHS Shetland does not currently have any full time representatives. If in the future full-time release for trade union/professional organisation duties were to be granted to a representative, arrangement would be made in line with the Secondment Policy.

6.0 Funding Arrangements

The Board will put in place a mechanism, agreed by the Area Partnership Forum to enable facilities time to be quantified, monitored and to demonstrate adherence to the principles of ensuring that facilities time provision is fair and equitable across the organisation. This mechanism will be used to identify funding for replacement staffing where reasonably practicable and necessary, for example, where specific individual agreements are reached for planned release and back fill required.

7.0 Procedure for Agreeing Time Off

7.1 Funding

The Employee Director will provide an annual report to Area Partnership Forum that will summarise utilisation of time and highlight any inconsistencies or issues for release. Recommendations for any requirements for specific funding to backfill release for facilities activities will be presented to Area Partnership Forum.

7.2 Recording and Monitoring Facilities Time

It is the responsibility of the trade union/professional organisation representative to ensure that they maintain an accurate record of the facilities time required to undertake their trade union / professional organisation duties and activities. This is achieved through the use of Appendix A, the Facilities Agreement Monthly Time off Request Sheet.

This form serves three functions:

- it acts as a means of recording formal authorisation given by the line manager;
- it requires the line manager to record the reason, when authorisation has been withheld;
- it helps to build an accurate picture of the amount of time invested in the role of trade union/professional organisation representatives.

Trade union/professional organisation representatives must submit requests for planned facilities time within agreed timescales for authorisation by their line manager.

At the end of each month, the trade union/professional organisation representative must complete the form on a retrospective basis, listing ad hoc or unplanned facilities time engagements.

Completed forms will be submitted to the Employee Director on a monthly basis for the compilation of a statistical report which will be presented to the Area Partnership Forum on an annual basis as part of the review of the Facilities Agreement.

8.0 Settling Differences of Opinion

8.1 In the event of disagreement over the granting of time off, the advice of the HR department should be sought to seek an informal resolution. This may involve a senior trade union/ professional organisation representative or a full-time official as appropriate/ determined by the trade union/professional organisation.

8.2 In the event of the matter remaining in dispute, the issue may be dealt with through NHS Shetland's 'Voicing Concerns Policy and Procedure', which can be found on the intranet.

9.0 Review of Policy

This policy will be reviewed by the Employee Director with Human Resources every three years, through consultation with Area Partnership Forum.

10.0 Equality impact Assessment

An Equality Impact Assessment (EQIA) has been carried out on this policy.

Procedure Flowchart For Facilities Arrangements

Need for time off arises (or has already risen)



Union Representative completes entry onto timesheet confirming date requested, time period requested, number of hours, venue, reason (Appendix A), passes timesheet to line manager for authorisation



Manager authorises time off / if declines states reason for decline, signs and dates timesheet entry



Representative records actual time taken against each timesheet entry and totals actual time requested and total time allocated to duties at the end of each month and records on timesheet



Line Manager reviews timesheet and signs and dates to authorise actual time allocated



Representative forwards completed, authorised timesheet to the Employee Director



Employee Director collates information and provides to the HR Department on a monthly basis



**Annual summary prepared by Employee Director and HR for
SMT / Area Partnership Forum / Staff
Governance Committee**