



NHS Borders Policy

Policy title:	Facilities Arrangements for Trade Unions and Professional Organisations
Policy section:	Other
Prepared by :	Human Resources
Review / development group composition:	HR Policies Group
Version number:	V 1.0
Equality Impact Assessment:	Please refer to national PIN
Approved by:	Area Partnership Forum
Date approved:	April 2012
Review date:	No later than 3 years from approval date

Policy Section		Page
1	Facilities Agreement	3
2	Employer responsibilities	3
3	Trade Union/Professional Organisation responsibilities	5
4	Requests for facilities time and arrangements	6
5	Planned release arrangements	7
6	Funding arrangements	7
7	Procedure for agreeing time off	8
8	Settling differences of opinion	8
Appendix 1	Facilities Management Tool (Individual)	10
Appendix 2	Facilities Time Request and Monitoring Form	14

Facilities Agreement

1 Introduction

- 1.1 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.
- 1.2 It takes cognisance of the relevant statutory framework, including the following:
- *Health and Safety at Work etc. 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'*.
- 1.3 NHS Borders 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 NHS Borders and trade unions/professional organisations.
- 1.4 NHS Borders recognises that it is vital to good employee relations that its workforce should be represented by accredited officials of recognised trade unions/professional organisations.
- 1.5 NHS Borders 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.
- 1.6 NHS Borders 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 Employer responsibilities

2.1 NHS Borders will:

- Put in place a mechanism, agreed by the Area Partnership Forum to enable facilities time to be quantified, funded, monitored and to demonstrate adherence to the principles of ensuring that facilities time funding is 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 Borders will provide the following facilities to recognised trade unions/professional organisations:

- Appropriate accommodation for meetings and trade union/professional organisation education;
- 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 NHS Borders intranet and e-mail systems where available;
- Provision of pagers, where necessary, to trade union/professional organisation officers of Local Negotiating Committees and/or Local Partnership Forums;
- The use of PCs for essential work in respect of supporting employee relations;
- Access to administrative support to the trade union/professional organisation officers of the Local Negotiating Committees and/or Local Partnership Forums, with due regard given to the need for privacy and confidentiality;

- Access to NHS Borders notice boards at all major 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, financial plans, service development and review plans;
- Facilities for representatives to meet with full-time officers by arrangement; and
- Facilities to enable recognised trade unions/professional organisations to conduct a ballot where this is required by law.

3 Trade Union/Professional Organisation responsibilities

3.1 Recognised trade unions/professional organisations will:

- Elect and accredit representatives in accordance with trade union/professional organisation constitutions;
- Notify the Director of Workforce and Planning (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; and
- 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 Borders;

- Represent their members on matters that are of mutual concern to NHS Borders and its employees; and
- 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 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 Borders 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 Borders 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;
- Negotiation of terms and conditions of employment, attendance at Local Negotiating Committees or Sub-Committees, and relevant national bodies;
- 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; and
- 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 for travel for meetings away from the workplace. This also includes participation in relevant area-wide, interagency or Scottish Forums.

4.3 In addition, paid time off will normally be granted to notified delegates for attendance at trade union/professional organisation group meetings or

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 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 Borders of requirements. Programmes of training may include joint courses with NHS Borders.
- 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 management are held on matters covered by 4.2 above and where trade union/professional organisation representatives have to attend outwith their normal working hours, appropriate payment will be made or equivalent time off granted. This also applies to approved training courses which extend beyond contracted hours.
- 4.7** It is recognised that senior trade union/professional organisation representatives, branch secretaries and officers of Local Negotiating Committees and Area Partnership Forums bear a greater responsibility in terms of trade union/professional organisation duties. NHS Borders will, therefore, conclude agreements with trade union/professional organisations on appropriate secured paid time off for such representatives and arrangements for replacement staffing.

5 Planned release arrangements

Where full-time release for trade union/professional organisation duties is granted to a representative, arrangements should be made in line with the Secondment Policy (where appropriate).

6 Funding arrangements

NHS Borders Board will put in place a mechanism, agreed by the Area Partnership Forum, to enable facilities time to be quantified, funded, monitored and to demonstrate adherence to the principles of ensuring that facilities time funding is fair and equitable across the organisation. This mechanism will be used to fund replacement staffing where, for example, agreements are made for planned release, or where ad hoc release occurs. A Facilities Management Tool (Individual) to assist this process is provided at **Appendix 1**.

7 Procedure for agreeing time off

a. Funding

A sub-group of the Area Partnership Forum will agree the time/backfilling funds/physical resources required to support the role of trade union/professional organisation representatives in the employee relations agenda. The group will use the Facilities Management Tool (Individual) as part of the scoping exercise and will take account of good practice as described in the *Facilities Arrangements for Trade Union & Professional Organisations PIN Policy*. Recommendations will be made to the Area Partnership Forum (or equivalent) on how funds are put to best use.

b. 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 the Facilities Time Request and Monitoring Form provided at **Appendix 2**

This form serves three functions: firstly, it acts as a means of recording formal authorisation given by the line manager; secondly, it requires the line manager to record the reason when authorisation has been withheld; and thirdly, 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 Director of Workforce and Planning for the compilation of a statistical report which will be presented to the Area Partnership Forum on an annual basis (or as agreed) as part of the review of the Facilities Agreement.

8 Settling differences of opinion

- a. 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 full-time official as appropriate and as determined by the trade union/professional organisation.
- b. In the event of the matter remaining in dispute, the issue may be dealt with through NHS Borders grievance procedure.

Appendix 1

Facilities Management Tool (Individual)

Facilities Management Tool (Individual)

A.	BASIC STEWARDING/REPRESENTATIVE ROLE		
		AVERAGE HOURS PER MONTH	AVERAGE COST PER MONTH
1.	Recruitment/Induction		
2.	Grievance (preparation)		
3.	Disciplinary (preparation)		
4.	Advice/Guidance (informal resolution)		
5.	Consultation		
6.	Negotiation		
7.	Training		

B.	HEALTH & SAFETY		
		AVERAGE HOURS PER MONTH	AVERAGE COST PER MONTH
1.	Duties as statutory safety representative		
2.	Health and Safety Committees		
3.	Policy Development		
4.	Training		

C.	TERMS AND CONDITIONS		
		AVERAGE HOURS PER MONTH	AVERAGE COST PER MONTH
1.	Briefing/communication/advice		
2.	Steering Committee		
3.	Job Matching		
4.	Job Evaluation		
5.	Job Analysis		
6.	Appeals		
7.	KSF/PDR activity		
8.	Training		

D.	PARTNERSHIP ISSUES		
		AVERAGE HOURS PER MONTH	AVERAGE COST PER MONTH
1.	Health Board Meetings/Sub Committees		
2.	Staff Governance Committee		
3.	Area Partnership Forum (APF) (or equivalent)		
4.	APF Sub Groups		
5.	'Local' Partnership Forum (Divisional, CHP etc).		
6.	Service Planning/Re-design		
7.	Staff Side Meetings		
8.	Reading/Preparation		
9.	Training		

E. ROLE WITHIN WIDER TRADE UNION/PROFESSIONAL ORGANISATION OR STAFF SIDE ORGANISATION			
		AVERAGE HOURS PER MONTH	AVERAGE COST PER MONTH
1.	Scottish		
2.	UK		
3.	Other		

F. ROLE WITH OTHER EMPLOYERS			
		AVERAGE HOURS PER MONTH	AVERAGE COST PER MONTH
1.	PFI/PPP Contractors		
2.	Other (e.g. Nursing Homes etc.)		

G. UNION LEARNING REPRESENTATIVE			
		AVERAGE HOURS PER MONTH	AVERAGE COST PER MONTH
1.	Statutory Role		
2.	Training		

Appendix 2

Facilities Time Request and Monitoring Form

NHS Borders
Facilities Time Request and Monitoring Form

Section 1		To be completed by Staff Representative	
Personal Details			
Name		Job Title	
Phone		Ward/Department/Base	
Trade Union/Professional Organisation			
Origin of Request		(please tick ✓)	
NHS Borders		Your union/organisation	
Your member(s)		Both/all parties	
Reason for needing time out		(please tick ✓)	
Partnership Fund Duties & Activities	Area Partnership Forum Local Partnership Forum Partnership Working Group Co-delivering local policy training Others (please <i>specify</i>):		
Trade Union / Professional Organisation Duties & Activities	Staff Side Group Advising/representing members Attending in-house training Off-site training/conference Other (please <i>specify</i>):		
Estimate of Facilities Requested			
Date(s) for time out		Start & end time	
Total time required (including travel)		Date & time when back at work/on duty	
Signature			

Section 2		To be completed by Manager	
Facilities time approved			
Yes <i>(please tick ✓)</i>			
No <i>(please give reason)</i>			
Partnership Fund Duties & Activities			
Yes <i>(please tick ✓)</i>			
No <i>(please give reason)</i>			
If time out attracts Partnership Fund money			
Grade of replacement costs		Hours of replacement costs	
Budget code to receive replacement costs			
Name of manager <i>(please print in block capitals)</i>			
Signature			

Section 3		To be completed by Responsible Officer	
If time out attracts Partnership Fund money			
I approve/do not approve (please delete as appropriate) of the Partnership Fund being used for this purpose. Please forward the necessary funds to budget code			
Name of Responsible Officer <i>(please print in block capitals)</i>			
Signature			