

## **TIME OFF AND FACILITIES FOR TRADE UNION REPRESENTATIVES**

1. This agreement sets out local arrangements and procedures for time off and facilities for Trade Union Representatives. These arrangements are consistent with the principles agreed between NHS staff and employers representatives nationally, as set out in section 25 of the NHS terms and conditions handbook. In addition, the Trust recognises the legitimacy of the Staff Side representative's role in recruiting and organising Members in order to participate fully in partnership working.

### **Paid Time off for accredited trade union representatives**

3. These arrangements apply to accredited representatives of Staff Side unions recognised by the Trust. Accreditation will only be given to employees of the organisation who have been duly elected or appointed in accordance with the rules of the respective trade unions.

4. Accredited representatives of trade unions will:

- Abide by the rules of their trade union and the policies and procedures of the employing organisation;
- Represent their members on matters that are of concern to the employing organisation and/or its employees.

5. The relevant trade unions will discuss and agree with the Trust an appropriate number of representatives, having due regard to the size and location of the unions' membership and the expected workload associated with the role. Staff Side unions are required to issue written credentials and notify the Human Resources department of the number and location of work groups for which each representative will be responsible.

6. The Trust and Staff Side recognise that it is in their joint interests to agree to regularly defined periods of paid time off, or secondment, because irregular and casual requests for time off have a more detriment impact on workforce planning and the needs of the service. There are therefore two forms of paid time off – normal and defined (or secondment).

### **Normal paid time off**

7. Subject to the needs of the service and adequate notification, accredited Staff Side union representatives are permitted paid time off, including time to prepare for meetings and disseminate information and outcomes to members, during working hours to carry out duties that are concerned with any aspect of:-

- Meetings with management and negotiation and / or consultation on matters relating to terms and conditions of employment or agreed partnership processes – examples include:
  - terms and conditions of employment;
  - engagement or termination of employment;
  - allocation of work;
  - matters of discipline;
  - grievances and disputes;
  - activities associated with trade union membership;
  - facilities for trade union representatives;
  - machinery for negotiation or consultation or other procedures (e.g. Staff Side meetings, JCC, NSC, OMB).

- Branch, regional or national union meetings which are related to health services and the NHS, and have been agreed in advance as a reasonable use of time proportionate to the individual member.
- Each representative of a Staff Side union may attend up to one annual national conference of the Union.
- Meetings with members.
- Meetings with other lay officials or full time officers.
- Appearing on behalf of members before internal or external bodies.
- All joint policy implementation and partnership working.
- Other matters relating to employee relations and partnership working.
- Meetings to discuss urgent matters relating to the workplace.

8. The expectation is that it is good practice that staff representatives should indicate the general nature of the business for which time off is required, where they can be contacted if required. Requests should be made as far in advance as possible as is reasonable in the circumstances. Wherever possible, the representatives should indicate the anticipated period of absence. The expectation is that requests for paid time off for trade union representatives will not be unreasonably refused.

#### **Defined paid time off (or secondment)**

9. It is agreed that dedicated paid time off shall be granted to appropriate Staff Side Union members when operating as Staffside Chair or Staffside Secretary, or in another agreed formal role. The times allocated will be subject to discussion and agreement with each of the Unions.

10. The day to day management and pay arrangements of the defined time off, or secondment, shall be agreed through the appropriate or designated Trust line manager.

#### **Training**

11. Accredited trade union representatives will be given adequate paid time off to allow them to attend trade union approved training courses or events. Time off should not be regarded as automatic, as the Trust has to take account of the needs of service delivery. However, the expectation is that reasonable requests for paid time off to attend training courses will not be unreasonably refused as long as locally agreed processes are followed.

13. The expectation is that requests for release for training should be made with reasonable notice to the appropriate manager. Any training course should be relevant to their duties approved by their trade union. Local representatives should provide details of the course to local management.

#### **Trades union activities for which unpaid time off will be granted**

14. It is the responsibility of the recognised local trade unions to ensure that the time and resources provided in this context are used appropriately.

15. The Trust will give reasonable unpaid time off, during working hours, to enable trade union representatives :-

- to attend branch, regional or national meetings of the union which are solely concerned with the internal business and general policy of that union;
- for branch administration;
- to represent union members not employed by the Trust.

15. The Trust will give reasonable unpaid time off, during working hours, to enable trade union members and representatives to attend meetings concerned with the business of that union and to vote in elections for union positions or ballots concerned with industrial relations.

### **Refusal of time off**

16. Time off may be refused for representatives in the following circumstances: -

- unreasonable notice periods given on behalf of the representatives;
- activities which do not fall within any of the categories for paid or unpaid time off listed above;
- activities that are not authorised by the union;
- where reasonable notice has been provided the normal expectation is that time off will not be unreasonably refused unless there are exceptional service needs on the specific days on which the representative has requested the time off,
- where time off has been granted the agreed time off may later be refused if, despite reasonable attempts by management to make other provision for service cover, there have been exceptional changes in service needs since the time off was granted.

### **Payment arrangements**

17. Where time with pay has been approved outside of time when the employee would normally have been at work, the payment due will equate to the earnings the employee would otherwise have received had / she been at work during the time that the activity took place.

18. Where meetings called by management are held on matters covered by paragraph 7 and where staff representatives have to attend outside their normal working hours, equivalent time off in lieu will be granted, or the appropriate payment made.

19. Travelling and subsistence expenses will be reimbursed to accredited representatives who are undertaking approved work in relation to the partnership process and / or joint policy implementations (as listed in paragraph 7).

20. Where a trade union wishes to recompense a representative for loss of earnings for any unpaid time off which has been granted by the Trust, the Trust agrees that it will invoice the trade union for the appropriate time and that they will be paid by the Trust in the normal manner through Salaries and Wages.

### **Trades union learning representatives**

21. Trade Union Learning representatives are accredited by their unions to support organisations in Staff training and development. Such representatives will be granted reasonable paid time off for undertaking these duties and for relevant training.

### **Health and safety representatives**

22. The Safety Representatives and Safety Committee Regulations 1977 provides a legal entitlement for trade union appointed safety representatives to have paid time from their normal work to carry out their functions and undergo training.

### **Trade Union Equality Reps**

23. Trade union equality reps are accredited by their unions to support organisations in meeting the equality duty on behalf of staff and dealing with equality and diversity issues on behalf of their members. These representatives are often given either a general or specific equality remit. Such representatives will be granted reasonable paid time off for undertaking these duties and for relevant training

### **Physical facilities for trades union representatives**

24. The Trust will make available to accredited representatives, for the purpose of carrying out their agreed duties, the following; -

- Access to private accommodation, with lockable storage facilities for documentation, appropriate administrative facilities and access to meeting rooms;
- access to internal and external telephones with due regard given for the need for privacy and confidentiality of communications;
- access to appropriate internal & external mail systems;
- appropriate access to the Trust's intranet and email systems;
- access to appropriate computer and photocopying facilities;
- access to notice boards at agreed locations for the display of trade union literature and information;
- access for staff representatives to all joint documents relating to the local partnership process;
- provision of travel expenses or transport to venues to carry out duties associated with partnership working.
- access to available meeting rooms;
- access to appropriate communal areas to run recruitment and membership stalls;
- backfilling of posts where practical. The extent to which practical would inevitably be dependent on such factors as the numbers of representatives needing time off, the work areas that would need to be covered, and the needs of the service.

### **Additional Appendices**

**Appendix A:** Equality Analysis

**Appendix B:** Implementation plan

**Appendix C:** Privacy Impact