NHS Terms and Conditions of Service Handbook

Section 25: Time off and Facilities for Trade Union Representatives

25.1 The NHS Staff Council is committed to the principles of partnership working and staff involvement. Partnership underpins and facilitates the development of sound and effective employee relations throughout the NHS. The national partners recognise that the participation of trade union representatives in the partnership process can contribute to delivering improved services to patients and users.

25.2 Further information about the partnership approach to the implementation of pay modernisation is set out in Part 1 of this handbook, including the importance of ensuring that the representatives of trade unions recognised for purposes of collective bargaining at local level are released appropriately to participate in local partnership arrangements. The principles of partnership working are set out in the annex A1 to this section.

25.3 It is for employers and representatives of locally recognised trade unions to agree in partnership local arrangements and procedures on time off and facilities that are appropriate meet local circumstances. Local arrangements are expected to be consistent with the principles set out below.

Time off for accredited trade union representatives

Accredited representatives

25.4 Local arrangements should apply to accredited representatives of trade unions recognised by local NHS organisations. 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.

25.5 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.

25.6 It will be for the relevant trade unions to discuss and agree with the local employer an appropriate number of representatives. Local discussions should have regard to the size and location of the unions’ membership and
the expected workload associated with the role. The unions would be 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.

25.7 Subject to the needs of the service and adequate notification, accredited representatives should be 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:-

- 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;
  - union membership or non-membership;
  - facilities for trade union representatives;
  - machinery for negotiation or consultation or other procedures.

- 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.

25.8 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.

Training

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

25.10 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.

Payment arrangements

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

25.12 Where meetings called by management are held on matters covered by paragraph 7 where staff representatives have to attend outside their normal working hours, equivalent time off will be granted or appropriate payment should be made by local agreement.

25.13 There should be local agreement on when 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 paragraph25.7).

Trades union activities

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

25.15 NHS organisations are encouraged to support partnership working, by giving reasonable time off, during working hours to enable trade union members or representatives for:-

- executive committee meetings or annual conference or regional union meetings;
- voting in properly conducted ballots on industrial relations;
- voting in union elections;
- meetings to discuss urgent matters relating to the workplace;
- recruitment and organisation of members.

25.16 Local arrangements should specify the circumstances when time off may be refused for either representatives or members. These may include:-

- unreasonable notice periods on behalf of the representatives;
- activities which do not fall within any of the categories in paragraph 7,10 and 15;
- activities are not authorised by the union;
- service needs.
25.17 Locally, it may be agreed that it is appropriate in the interests of partnership working and good industrial relations for trade union representatives to be released from work for regular defined periods each week.

Trades union learning representatives

25.18 Trade Union Learning representatives are accredited by their unions to support organisations in identifying training needs and ensuring staff access to training. Learning representatives also have the right to reasonable paid time off for undertaking these duties and for relevant training.

Health and safety representatives

25.19 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.

Facilities for trades union representatives

25.20 The local partnership should agree the facilities that are provided to representatives of recognised trade unions. It is recommended that local employers provide the following facilities:-

- Access to appropriate private accommodation, with 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;
- Access to appropriate internal & external mail systems;
- Appropriate access to the employer’s intranet and email systems;
- Access to appropriate computer facilities;
- Access to sufficient notice boards at all major locations for the display of trade union literature and information;
- Access for staff representatives to all joint documents relating to the local partnership process;
- Based on the geographical nature of the organisation consideration may need to be given to access to suitable transport facilities;
- 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 and the work areas that would need to be covered and the needs of the service.
25.21 Within NHS Scotland the Staff Governance Standard (which includes the PIN on facilities arrangements) applies. See link below for details.