

September 2017

NHS STAFF COUNCIL ADVICE NOTE ON EMPLOYER-LEVEL AGREEMENTS FOR THE DEDUCTION OF CONTRIBUTIONS AT SOURCE AND PROVISION OF MEMBER INFORMATION (ENGLAND ONLY)

- 1 Deduction of contributions at source (DOCAS or also known as check-off) is the method by which trade unions are able to collect subscriptions at source from the employer. The Trade Union Act 2016 means that from 10 March 2018¹ agreements will have to be in place to ensure that employers charge a reasonable fee for this arrangement. Reasonable is defined as being *‘substantially equivalent to the total cost to public funds of making the deductions’*.
- 2 DOCAS and the provision of membership data can be seen as part of the employer’s commitment to collective bargaining and the partnership relationships described in the NHS Social Partnership Agreement and the NHS Terms and Conditions of Service Handbook.
- 3 Local partnerships are advised to put in place a service level agreement (SLA) to capture the formal arrangements about what deductions will be made and how the membership information and financial remittance data will be provided.²
- 4 Where there is an SLA in place it will ensure that practices are consistent with the provisions of the Trade Union Act 2016 and the General Data Protection Regulations 2016.
- 5 Employers are advised to agree a separate SLA with each recognised NHS trade union wishing to access DOCAS facilities. Suggested contents of the SLA are listed at Annex A.
- 6 Parties to the SLA will need to determine what the reasonable administrative fee is that is appropriate for the provision of the facility set out in the agreement.

¹ Legislation currently in draft at time of publication: <http://www.legislation.gov.uk/ukdsi/2017/9780111155943>

² The legislation makes it so public sector employers can only make deductions for subscriptions at source if the workers they are deducting from have the option to pay their trade union subscriptions by other means. The most common means other than by deduction at source is likely to be via a Direct Debit paid directly to the Trade Union.

Discussions on the rate should take the following factors into account:

- i. The actual cost of providing the service - employers will need to seek advice from their payroll provider.
- ii. Historic charges for provision of DOCAS information between the parties including if there have been no charges in place.
- iii. Any phasing-in or one-off charges associated with moving to the arrangements as set out in this agreement. In particular, a one-off payment to alter the payroll should not be factored in to a regular percentage charge/schedule of payments.

NOTE: Parties are advised some trades unions have rules that require fees to be signed-off by their national offices

Annex A

Contents of service level agreement for the Deductions of Contributions at Source (DOCAS) and the provision of membership information.

1. PURPOSE OF THE AGREEMENT

- i. Definitions
- ii. Service provision
- iii. Commencement and termination
- iv. Review of agreement
- v. Quality
- vi. Confidentiality
- vii. Data protection

2 SCHEDULE OF THE SERVICES TO BE PROVIDED

- i. Deductions from salary or wages
- ii. Determination of a member's subscription band
- iii. Increases in subscription rates
- iv. Cessation of subscriptions
- v. Reductions in subscriptions

3 PROVISION OF DOCAS INFORMATION

- i. Monthly reports
- ii. Customised reports

4 ELECTRONIC MEDIA OPTIONS

- i. File format
- ii. Frequency of data collection
- iii. Preferred electronic media
- iv. Procedure for introducing electronic data

5 SUBSCRIPTION RATES

6 SIGNATORIES TO THE AGREEMENT