

TIME OFF AND FACILITIES FOR TRADE UNION REPRESENTATIVES

Document Version

1

Status

Approved

Document author:

All NHS Wales

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All NHS Wales

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STRATEGIC OBJECTIVE (Please place a 'x' next to relevant objective/s)

Mobilising digital transformation and ensuring high quality health and care data	
Expanding the content, availability and functionality of the Digital Health and Care Record	
Delivering High Quality Digital Services	x
Driving value from data for better outcomes	

QUALITY STANDARDS (Select relevant standard/s)

ISO 20000	x	ISO 27001	x	ISO 9001	x	ISO 14001	
BS 76000:2015	x	BS 76005	x	BS 10008		ISO 13485	
SDI (Service Desk Institute) Standard							x

HEALTH CARE STANDARD (Select relevant standard/s)

Staying Healthy	x	Safe Care	x	Effective Care		Dignified Care	x
Timely Care		Individual Care	x	Staff & Resources			x

EQIA STATEMENT (Select as appropriate)

	Applicable
Date of submission:	Outcome: No Impact
<p>The assessment found that there was no impact to the equality groups mentioned and this policy will have a positive impact on all the 'protected characteristic' groups. Where appropriate, the Organisation will make plans for the necessary actions required to minimise any stated impact to ensure that it meets its responsibilities under the equalities and human rights legislation.</p>	

APPROVAL/SCRUTINY ROUTE: Person/Committee/Group who have received or considered this

Local Partnership Forum	March 23, 2021	Outcome - TBC

WELL-BEING OF FUTURE GENERATIONS ACT (Select relevant theme/s)

A Prosperous Wales	x	A Resilient Wales	x	A More Equal Wales	x	A Healthier Wales	x
A Wales of Cohesive Communities		x	A Globally Responsible Wales				x
A Wales of Vibrant Culture and Thriving Welsh Language							x

TABLE OF CONTENTS

1	DOCUMENT HISTORY	4
1.1	Revision History	4
1.2	Reviewers.....	4
1.3	Authorisation	4
1.4	Document Location	4
2	INTRODUCTION.....	5
3	TIME OFF FOR ACCREDITED TRADE UNION REPRESENTATIVES	5
4	TRAINING	6
5	PAYMENT ARRANGEMENT.....	6
6	TRADES UNION ACTIVITIES.....	7
6.1	Trade Union Learning Representatives	7
6.2	Health and Safety Representatives	7
7	FACILITIES FOR TRADES UNION REPRESENTATIVES	8
8	ANNEX.....	9

1 DOCUMENT HISTORY

1.1 Revision History

Date	Version	Author	Revision Summary
November 2011	1	All NHS Wales	Policy finalised

1.2 Reviewers

This document requires the following reviews:

Date	Version	Name	Position
31/03/2022	1	All NHS Wales	All NHS Wales

1.3 Authorisation

Signing of this document indicates acceptance of its contents.

Author's Name:	All NHS Wales		
Role:	All NHS Wales		
Signature:		Date:	November 2011

Approver's Name:	All NHS Wales		
Role:	All NHS Wales		
Signature:		Date:	

1.4 Document Location

Type	Location
Electronic	Integrated Management System

2 INTRODUCTION

The Welsh Partnership Forum 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. It also recognises that the participation of trade union representatives in the partnership process can contribute to delivering improved services to patients and users.

The Welsh Partnership Forum recognises 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 to this document.

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 to meet local circumstances. Local arrangements are expected to be consistent with the principles set out below.

3 TIME OFF FOR ACCREDITED TRADE UNION REPRESENTATIVES

Accredited Representatives

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.

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.

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.

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
- Environmental issues linked to the Green workplaces' projects
- Other matters relating to employee relations and partnership working.

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.

4 TRAINING

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 if locally agreed processes are followed.

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.

5 PAYMENT ARRANGEMENT

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.

Where meetings called by management are held on matters covered by paragraphs 7 where staff representatives must attend outside their normal working hours, equivalent time off will be granted,

or appropriate payment should be made by local agreement.

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 paragraph 7).

6 TRADE UNION ACTIVITIES

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

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.

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 paragraphs 7, 10 and 15
- activities are not authorised by the union
- service needs.

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.

6.1 Trade Union Learning Representatives

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.

6.2 Health and Safety Representatives

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.

7 FACILITIES FOR TRADES UNION REPRESENTATIVES

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.

8 ANNEX

Principles and Best Practice of Partnership Working [Taken from: Partnership Agreement. An agreement between Department of Health, NHS Employers and NHS Trade Unions.]

To deliver partnership working successfully it is important to develop good formal and informal working relations that build trust and share responsibility, whilst respecting difference. To facilitate this, all parties commit to adopt the following principles in their dealings with each other:

- Building trust and a mutual respect for each other's roles and responsibilities
- Openness, honesty, and transparency in communications
- Top level commitment
- A positive and constructive approach
- Commitment to work with and learn from each other
- Early discussion of emerging issues and maintaining dialogue on policy and priorities
- Commitment to ensuring high quality outcomes
- Where appropriate, confidentiality and agreed external positions
- Making the best use of resources
- Ensuring a no surprise culture.