

Name	Facilities Agreement
Summary	This Agreement identifies the framework for facilities and time-off for accredited representatives of independent trade unions / professional organisations.
Associated documents	
Target audience	Managers and accredited representatives of independent trade unions / professional organizations.
Version number	1
Date of this version	1 st May 2012
Review date	30 th April 2014
Date of full impact assessment	Nationally Impact Assessed
Name of Board	National Waiting Times Centre Board
Approving committee/group	SMT and Partnership Forum
Document editor	Jane Christie, Employee Director

National Waiting Times Centre Board

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** National Waiting Times Centre Board (NWTC) 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 the employer and trade unions/professional organisations.
- 1.4** NWTC 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** NWTC 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** NWTC 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 NWTC will:

- Put in place a mechanism, agreed by the Area Partnership Forum (or equivalent), 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 NWTC 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 the employer's 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 the organisation's 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;
- 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 Human Resources (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;
- 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 NWTC
- Represent their members on matters that are of mutual concern to NWTC and its employees;

- 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 NWTC 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 NWTC 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;
 - Machinery for consultation, including participation in the Area Partnership Forum (or equivalent) 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, inter-agency 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 NWTC of requirements. Programmes of training may include joint courses with the employer.

- 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 out with 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 (or their equivalent) bear a greater responsibility in terms of trade union/ professional organisation duties. NWTC 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 PIN Policy³⁹ (where appropriate).

6 Funding arrangements

The Board will put in place a mechanism, agreed by the Area Partnership Forum (or equivalent), 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 attached as Appendix A of this policy.

7 Procedure for agreeing time off

7.1 Funding

A sub-group of the Area Partnership Forum (or equivalent) 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.

7.2 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. (Appendix B).

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 HR Department for the compilation of a statistical report which will be presented to the Area Partnership Forum (or equivalent) on an annual basis (or as agreed) as part of the review of the Facilities Agreement.

8 Settling differences of opinion

8.1 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.

8.2 In the event of the matter remaining in dispute, the issue may be dealt with through NWTCB's grievance procedure.

Appendix A: 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 INITIATIVES		
		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 B: Facilities Time Request and Monitoring Form

[Name of Employer]

Facilities Time Request and Monitoring Form

Section 1: To be completed by Staff Representative

1.1 Personal Details

Name	
Job Title	
Ward/Department & Base	
Phone	
Trade Union/Professional Organisation	

1.2 Origin of Request

Is your time out at the request of...? (please tick)

[Name of organisation] Your union/organisation

Your member(s) Both/all parties

1.3 Reason for needing time out (please tick)

Partnership Fund Duties & Activities

Area Partnership Forum (or equivalent) Local Partnership Forum

Partnership Working Group Co-delivering local policy training

Other (please specify):

Trade Union/Professional Organisation Duties & Activities

Staff Side Group Advising/representing members

Attending in-house training Off-site training/conference

Other (please specify):

1.4 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

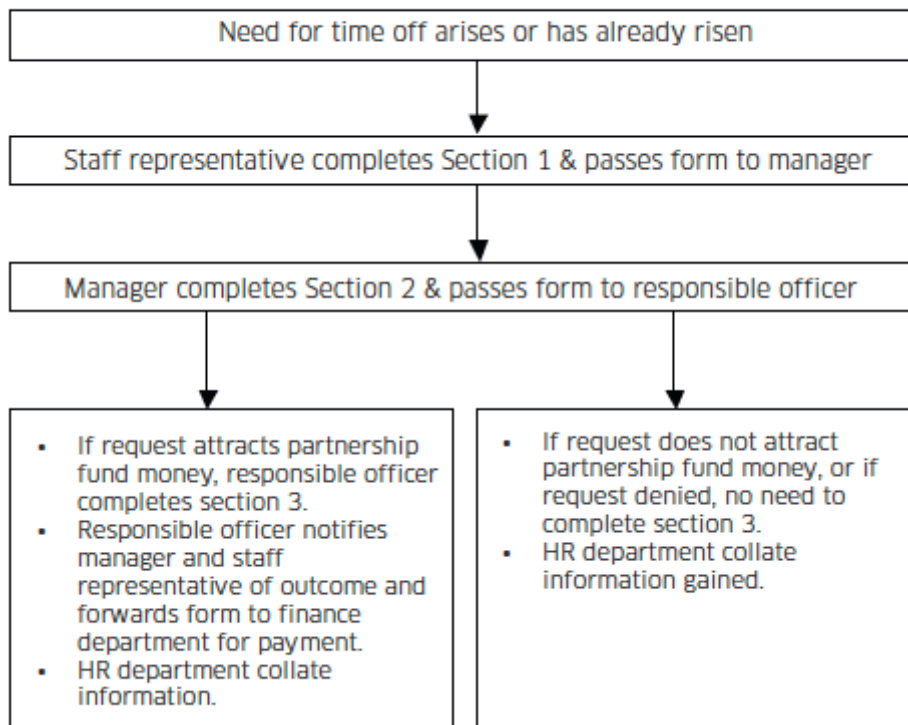
Facilities time approved	
Yes	<input type="checkbox"/>
No (please specify reason)	<input type="checkbox"/>
Partnership Fund Duties & Activities	
Yes	<input type="checkbox"/>
No (please specify reason)	<input type="checkbox"/>
If time out attracts Partnership Fund money:	
Grade of replacement costs	
Hours of replacement costs	
Budget code to receive replacement costs	
Name of manager (please print in block capitals)	
Signature	

Section 3: To be completed by Responsible Officer

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 (please print in block capitals)	
Signature	

Process



Uncontrolled whe