

TIME OUT FOR TRADE UNION DUTIES & ACTIVITIES POLICY

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POLICY SUMMARY
<p>The policy sets out the framework for managers, staff and staff representatives of the Trust's approach to the provision of time out from work for accredited Trade Union duties and activities. It also describes the scope of the policy and to whom it applies.</p> <p>The policy should be read in conjunction with the Time Out for Trade Union Duties & Activities Procedure</p>
The Trust monitors the implementation of and compliance with this policy in the following ways;
<p>This policy will be subject to review as per the agreed review schedule of Trust HR policies and as agreed by the Trust's Partnership Committee and Workforce Transformation Group.</p> <p>Compliance with this policy will be against the Trust's agreed minimum requirements/standards as detailed within its Auditable Standards and Monitoring Arrangements, as well as the use of internal reporting and recording within the Human Resources Directorate.</p>

Services	Applicable	Comments
Trust wide	✓	

The Director responsible for monitoring and reviewing this policy is Executive Director of Corporate Governance and Strategy

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

TIME OUT FOR TRADE UNION DUTIES & ACTIVITIES POLICY

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ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

TIME OUT FOR TRADE UNION DUTIES & ACTIVITIES POLICY

1. ASSURANCE STATEMENT

- 1.1 Essex Partnership University NHS Foundation Trust (the 'Trust') is committed to following best practice in its approach to the provision of time out from work for Trade Union duties and activities and facilities for representatives of accredited Trade Unions, in order to comply with legal requirements and good practice. Without these standards, there will be a lack of cohesive understanding on the part of both staff representatives and managers which could lead to confusion and poor employee relations.
- 1.2 This has been prepared in line with the Employment Rights Act 1996 and the ACAS Code of Practice on Time Off for Trade Union Duties and Activities Jan 2010 and Section 25 of the NHS Terms and Conditions of Service Handbook.
- 1.3 This policy aims to establish a framework for a common understanding of the arrangements for time out for management, staff and staff representatives. The Trust is committed to open communication and consultation.
- 1.4 The arrangements within the Trust for the provision of time out for Trade Union duties and activities will be built on and demonstrate the Trust's corporate values and behaviours. These values are being:
- Compassionate
 - Empowering
 - Open

In demonstrating these behaviours and values, supporting the achievement of its strategic priorities to:

- To continuously improve service user experience and outcomes through the delivery of high quality, safe, and innovative services.
- To be a high performing health and care organisation and in the top 25% of community and mental health Foundation Trusts.
- To be a valued system leader focused on integrated solutions that are shaped by the communities we serve.

2. INTRODUCTION

- 2.1 This Policy ensures compliance with the Trust's legal duty to ensure that it is consistent and equitable in its treatment of requests for accredited representatives of recognised trade unions for paid time off work for union activities and duties.

2.2 In providing time out for trade union duties and activities, the Trust and Trade Unions will observe the following core principles:

- The Trust will consult and all parties will communicate in a meaningful way.

‘Meaningful’ is defined as a process to enable matters of interest to be jointly examined and discussed by management, staff, and recognised accredited trades union representatives; ensuring that appropriate information is provided to all, in order to ensure that proper and informed contributions can be made by all.

- Maximising staff involvement and participation.

3. DUTIES

3.1 Executive Directors/Service & Operational Directors

Trust Directors/Service Operational Directors are responsible for ensuring that the policy is distributed to all staff

3.2 Managers

Managers are crucial to the ability of the Trust to respond to requests for time out for Trade Union duties and Activities and they are required to understand the principles underpinning this policy and apply them in facilitating that time out and thereby maintain a positive employee relations environment.

Managers must ensure that no staff are discriminated or disadvantaged as a result of a ‘protected characteristic’ when applying this policy. Managers should liaise with HR to ensure the Trust is not open to claims of discrimination.

Managers will also ensure that staff are aware of their rights to be accompanied by a trade union representative or workplace colleague at the formal meetings where such an entitlement is specified under the policy/procedure being applied.

3.3 Staff

Staff are expected to read to this policy and ensure that they comply with it

3.4 Trade Unions

In accessing time out for their duties and activities, accredited Trade Unions must observe the provisions of this policy and its associated procedure.

Accredited Trades Unions are expected to contribute to meetings with the Trust and to support their members at formal meetings where this is provided for under the policy or procedure that is being applied. Where possible, representatives and their managers must be flexible with dates to support the

Trust in meeting the timescales outlined in the appropriate policy and/or procedure being applied.

Where it has been agreed for an accredited Trade Union Representative to support a worker at an informal meeting, where possible representatives and managers must be flexible with dates to allow attendance.

Trades Unions recognised by the Trust are those as set out in the Trust’s Partnership Agreement.

Accredited Trade Union Health and Safety Representatives have a legal right to inspect Trust property and speak to trust employees and workers about health and safety concerns and therefore should be allowed time off to fulfil this activity in line with the Policy and Procedure.

3.5 Human Resources (HR)

The HR Service will provide advice and support to managers and staff on the provision of time out, with due regard to the employment legislation framework. HR will give appropriate advice to managers to ensure that this Policy is applied fairly, equitably and consistently throughout the Trust with a view to supporting effective employee relations.

The HR service will ensure Trade Union representatives are liaised with to ascertain availability for any formal meetings under HR Policies and Procedures.

4. SCOPE

- 4.1 This policy applies to all Trust employees, local accredited representatives and full time officers of recognised Trade Unions, an officer being an official of the union, or a person elected or appointed in accordance with the rules of the union to be a representative.
- 4.2 This agreement applies to all accredited representatives including learning and health and safety representatives of recognised trade unions and as detailed in the Trust’s Partnership Agreement. Trade unions will provide written confirmation of the names of their accredited representatives.

5. DEFINITIONS

Protected Characteristics	Characteristics as defined by the Equality Act 2010. These are ethnic origin, nationality, race, disability, gender, marital or partnership status, age, religion or belief, sexual orientation or transgender status.
Accredited Representatives	Employees who are elected or appointed in accordance with the union rules to represent union members in the Trust.

6. PRINCIPLES

- 6.1 The Trust recognises the importance of good employee relations and to this end makes these undertakings below.
- 6.2 The Trust will allow reasonable time out of work for trade union duties and activities except where exceptional requirements mean that this is not possible. The Trust will recognise on occasions more time might be required, e.g. times of organisational change. The Trust is responsible for providing reasonable cover to all Trust services.
- 6.3 Accredited representatives will be involved in negotiating or developing all new policies / initiatives. Encouraging full and systematic consultation when required in line with the Trust's Organisational Change Policy.
- 6.4 The Trust will liaise with nominated accredited representatives in matters of collective disputes, individual grievances, conduct or harassment cases in line with relevant policies.
- 6.5 The Trust will allow access to staff by representatives on matters relating to recognised staffing issues in connection with work.
- 6.6 The Trust will allow meetings convened by an accredited representative or branch official in connection with staffing issues.
- 6.7 The Trust recognises the rights of the unions to ensure that their representatives are adequately trained in their duties by providing time off to take part in relevant training. Time off for study should normally be requested using the Request for time out for trade union duties form (appendix 1 of associated procedure). Expenses incurred, e.g. the cost of the course or study materials will not be paid from the Trusts training budget allocation. The Trust will ensure that newly appointed accredited representatives are provided with any necessary documentation and information to enable them to carry out their responsibilities adequately.
- 6.8 The Trust will adhere to the appropriate legislation and other frameworks such as Agenda for Change, local agreements and ACAS code of practice. ACAS is the Advisory, Conciliation and Arbitration Service.
- 6.9 In drawing up this policy, aspects of discrimination have been considered so that particular groups are not disadvantaged.

7 ROLES & RESPONSIBILITIES

- 7.1 The Trust recognises its responsibility to allow paid time off work or time in lieu where duties are performed out of the individual hours, for the following purposes:
- 7.1.1 Collective bargaining with the appropriate level of management.
 - 7.1.2 Meetings with members called to inform them of the outcome of negotiations or consultations with management.
 - 7.1.3 Meetings with other staff representatives/full time union officials.
 - 7.1.4 Meetings/interviews with and on behalf of a member or members employed by the Trust where the presence of the representative is required by a member or members.
 - 7.1.5 To appear on behalf of a member or members before an outside official body such as an Employment Tribunal which is dealing with an employment relations matter directly concerning the Trust and reasonable time in which to prepare.
 - 7.1.6 To attend Trust Induction days to meet new employees for the purpose of explaining the role of the staff organisations within the workplace, industrial relations structure and inviting them into membership.
 - 7.1.7 Time off work with pay for accredited representatives to attend relevant Trade Union Congress or Trade Union approved training. Training must relate to matters outlined in the Employment Relations Act, (1999), or relate to Health & Safety matters and be approved from the officials own trade union(s).
 - 7.1.8 Paid time out for members will be granted to attend as the representative of branch/section of members at meetings of official bodies of staff organisations, e.g. National Executive Council, District Committee, Special Delegate Conference or other national delegate conferences.
- 7.2 In agreeing time out, account should be taken of the needs of the service. Time off should not unreasonably be refused, however, in the event of difficulties e.g. severe departmental sickness, the issue should be discussed with the manager in the first instance. If the matter remains unresolved it should be dealt with as part of the Trust Grievance Procedure. The Trust Grievance Procedure will be used as a last resort.
- 7.3 The Trust recognises that during times of organisational change, the need for time out will increase. It is incumbent on both managers and accredited representatives to agree reasonable time out, the Human Resources department can be consulted if needs be on this issue.

- 7.4 Full time officers are permitted to visit Trust premises and to hold meetings with representatives. It is expected that wherever possible prior notification of such attendance will be given to the Trust.
- 7.5 The accredited representatives of Trade Unions and Professional Organisations have responsibility for:
- 7.5.1 Requesting permission for time out for trade union duties from the representative's head of department via their immediate supervisor, giving as much prior notice as possible
 - 7.5.2 Obtaining prior approval for time out of work for involvement in a meeting on the Trust's premises and obtaining permission to convene a meeting at the proposed venue from the Head of Department concerned.
 - 7.5.3 Following established procedures of informing the manager of their arrival and the capacity in which they are attending at a department. The detailed reasons will not be requested.
 - 7.5.4 Maintaining and storing all relevant records of union activities in line with Trust Policy.
- 7.6 Any accredited representative wishing to attend any Union meeting during working hours should seek line manager's approval in advance.

8 FACILITIES

- 8.1 To enable accredited representatives to perform their trade union duties efficiently, the Trust will make the facilities below available.
- 8.2 Appropriate notice boards for the display of official information and material of general interest will be provided.
- 8.3 Provision of information technology and facilities to provide material to inform members. Requests for such facilities will not be unreasonably withheld though it must be recognised that in some establishments such facilities are limited.
- 8.4 Accredited representatives shall have free use of the Trust's external/internal communications system in connection with their trade union duties. The Trust shall provide dedicated accommodation/room to allow accredited representatives to conduct their trade union duties and to keep their records.
- 8.5 All communications must be conducted in line with the Trust's Confidentiality Policy/Procedure.

- 8.6 The Trust will provide an annual budget (to be agreed in March each year) to be managed by the Chair of Staff Side. Any expenditure must be agreed in advance with the Chair of Staff Side to allow audit of time off activity.
- 8.7 The Trust recognises that the specific duties of Chair and Secretary of the Staff Side will be considerable. To reflect this, the Joint Partnership Committee (JPC) and partnership agreement will agree time dedicated to those duties.

The Human Resources department will maintain records of approved time out collated on the basis of accredited representatives.

9 MONITORING OF IMPLEMENTATION AND GOVERNANCE

- 9.1 This policy is subject to review as per the Trust HR policy review schedule and as agreed by the Trust's Joint Partnership Committee.
- 9.2 Compliance with this policy will be against the Trust's agreed minimum requirements/standards as detailed within its Auditable Standards and Monitoring Arrangements

10 POLICY REFERENCES /ASSOCIATED DOCUMENTATION

- Trade Union and Labour Relations (consolidation) Act 1992
- Employment Rights Act 1996
- ACAS Code of Practice on Time Off for Trade Union Duties & Activities

11 REFERENCE TO OTHER TRUST POLICIES/PROCEDURES

This policy should be read in conjunction with other policies in place that may be relevant. These include:

- Time Out for Trade Union Duties & Activities Procedure
- Trust Partnership Committee Terms of Reference
- Partnership Agreement
- Grievance Procedure
- Confidentiality Procedure

END