



Northamptonshire Healthcare
NHS Foundation Trust

Trade Unions/Professional Organisations

Facilities Agreement Protocol

HRpr002

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1. Why we need this Protocol

The Trust and its recognised Unions agree that it is to their mutual benefit for there to be an adequate number of properly trained individuals within each Union to represent the interests of their members.

The Trust accepts that representatives must have reasonable time-off with pay to enable them to undertake their Union duties and to train for their role.

The Trust accepts that representatives may receive reasonable time-off without pay to undertake their Union activities.

The Trust is committed to treating people with dignity and respect in accordance with the Equality Act 2010 and Human Rights Act 1998. Throughout the production of this policy due regard has been given to the elimination of unlawful discrimination, harassment and victimisation (as cited in the Equality Act 2010).

2. What the Protocol is trying to do

The Trust recognises that it is to the mutual benefit of the Trust and its employees for the employees to be represented by Trade Unions/Professional Organisations.

This agreement sets out arrangements for time off and facilities for Trade Union/Professional Organisation representatives to enable them to undertake Trade Union/Professional Organisation duties and activities

3. Which stakeholders have been involved in the creation of this Protocol

- Director of Human Resources
- Trust Policy Board Attendees
- Staff Side Representatives

4. Any required definitions/explanations

NHFT – Northamptonshire Healthcare NHS Foundation Trust

UNION – the term ‘Union’ shall be taken to include all Trade Unions/Professional Organisations which are recognised by Northamptonshire Healthcare NHS Foundation Trust (the Trust) for industrial relations purposes

REPRESENTATIVE - shall include shop stewards, accredited staff representatives, and branch officials who have been formally recognised by the Trust.

WITH PAY - for the approved period of time-off, the representative will receive the pay which would have been earned had the representative remained on duty. Representatives will receive full pay in situations where, at the request of the Trust, they attend meetings on days which are designated rest days or days off.

Representatives who normally work night shifts may take time-off in lieu if, at the request of the Trust, they attend meetings during the day, or outside their rostered shift time. Time-off in lieu will be taken on a 1:1 basis and will attract no premium.

5. Protocol detail

5.1. General Principles

Representatives are entitled to reasonable time-off (whether or not it is paid) as a right, not a privilege.

Time off will be granted subject always to the needs of the department/section/service. Requests for time-off will not be refused unreasonably. Both the Trust and the Unions recognise that sensible compromise may be necessary to ensure that a representative has reasonable time-off to enable the representative role to be undertaken whilst minimising the disruption to the activities of their place of work.

Representatives will not be discriminated against or disadvantaged during their employment because of their Union duties or activities.

Representatives must always obtain approval to take time-off from their supervisor/manager. This must be obtained before taking the time-off and as much advance notice as possible should be given.

The Unions shall endeavour to provide sufficient, properly trained representatives for their membership, thereby ensuring that an unfair burden does not fall on a small number of representatives whose work might otherwise be disrupted to an unacceptable degree.

Each Union is responsible for ensuring that the Trust is provided with accurate information about their representatives and the staff groups that they represent. Requests for recognition as representatives must be submitted to the Trust's Human Resources Department. The facilities embodied within this document will not be available to an individual until their representative role has been recognised by the Trust.

Representatives will be elected in accordance with the provisions of the relevant employment legislation and the rules of the Union concerned.

5.2. Guidance

The guidance in this document applies only to duties and activities which relate to the industrial relations between the Trust and its employees. It is recognised that the structure of collective bargaining in the NHS may mean that local representatives become involved at regional and/or national levels.

5.2.1. Time off with pay

Representatives are entitled to reasonable time-off, with pay, to carry out their Union duties and to undertake any relevant training for their representative role; subject to the needs of the service and adequate notification. The main Union duties are:

- preparation for and attendance at meetings with Management. These will include consultative meetings, working groups, briefing meetings and meetings related to collective bargaining
- meetings with members to consult with them and to inform them of the outcome/progress of matters under discussion with Management
- representing members in disciplinary, grievance, capability situations and managing absence
- meeting new Trust employees to explain the role of the Union in the workplace
- health and safety representative functions, together with related training
- learning representatives duties in analysing the learning or training needs of union members as well as providing information and supporting learning and development
- Strategic meeting such as STP meetings

5.2.2. Time off without pay

Representatives will be given reasonable time-off, without pay, to carry out their Union activities. Time-off will not be granted when such activities might constitute industrial action, whether or not they are in contemplation or furtherance of a dispute.

5.2.3. Trade Union Learning Representatives

Trade union learning representatives are accredited by their unions to support organisations in identifying training needs of union members and ensuring access to training. Learning representatives have the right to reasonable paid time off for undertaking these duties and for relevant training.

5.2.4. Training

Time-off with pay will be granted for all representatives to undertake basic training for their role. Time-off with pay may be granted for further/more advanced training, for updating and for specialist training for branch officials.

5.3. Regional/National Meetings and Conferences

The Trust will grant reasonable time-off to enable representatives to participate in the wider activities of their organisation. A written request for time-off in respect of attendance must be made to the representative's line manager, giving as much advance notice as possible. Normally, only one representative from an individual Union will be entitled to the relevant time-off facility detailed below, which combine time-off with pay and time-off without pay:

- attendance at a national delegate conference (defined as the highest policy making body of the Union) normally once a year (with pay)
- as a member of the national executive committee (or any such term used by the Union (with pay)
- as a delegate of their Union at meetings of a committee or sub-committee of the TUC (without pay)

- attendance at regional delegate conference (or any such term used by the Union) where attendance is considered to be of direct relevance to the Trust (with pay)
- attendance at regional delegate conference where attendance is not considered to be of direct relevance to the Trust (without pay)
- attendance as a delegate of their Union at national Agenda for Change meetings (with pay)

5.4. Other Provisions

The Trust will endeavour to provide office accommodation for the use of the Unions. Wherever possible, this will include access to telephone, IT and private storage facilities.

The Unions will have access to photocopying equipment and general stationery provisions.

The Unions will be provided with notice board space for their specific use.

Requests for meeting rooms to enable the Unions to meet their members and carry out the full range of Trade Union activities will not be unreasonably refused.

6. Facility Time Publication Requirements

The Trade Union (Facility Time Publication Requirements) Regulations 2017 requires the Trust to publish specified figures and percentages for each 12 month period which runs from 1st April – 31 March . The information to be reported includes:

- The total number of employees who were relevant union officials during the period.
- The percentage of each of these employees' working time spent on facility time.
- The percentage of the employer's total pay bill spent on facility time.

7. Training requirements associated with this Protocol

6.1 Mandatory Training

There is no mandatory training associated with this protocol.

6.1 Specific Training not covered by Mandatory Training

Not applicable to this document

8. How this Protocol will be monitored for compliance and effectiveness

Any comments amendments or changes needed to a procedure or an implementation problem should be reported to the responsible committee; who will consult with the lead author and either instigates an immediate review or notes the change for the next proposed review dependent upon the severity of the matter concerned.

9. For further information

Please contact Human Resources

10. Equality considerations

The Trust has a duty under the Equality Act and the Public Sector Equality Duty to assess the impact of protocol changes for different groups within the community. In particular, the Trust is required to assess the impact (both positive and negative) for a number of 'protected characteristics' including:

- Age;
- Disability;
- Gender reassignment;
- Marriage and civil partnership;
- Race;
- Religion or belief;
- Sexual orientation;
- Pregnancy and maternity; and
- Other excluded groups and/or those with multiple and social deprivation (for example carers, transient communities, ex-offenders, asylum seekers, sex-workers and homeless people).

The author has considered the impact on these groups of the adoption of this protocol.

8.1. Equality Analysis Report

Equality Analysis Report									
Name of function:		Trade Unions/Professional Organisations Facilities Agreement Protocol							
Date:		October 2017							
Assessing officers:									
Description of protocol including the aims and objectives of proposed: (service review/redesign, strategy, procedure, project, programme, budget, or work being undertaken):									
<p>This protocol ensures robust and legally compliant procedures are in place to ensure patients, staff, workers and volunteers are safeguarded at all times. The protocol also clearly defines the responsibilities of all members of staff and also applies to bank or agency or workers and the staff of contractors, volunteers and peer support workers.</p>									
Evidence and Impact – provide details data community, service data, workforce information and data relating specific protected groups. Include details consultation and engagement with protected groups.									
Evidence base:									
<ul style="list-style-type: none"> ▪ NHFT WRES 2016 ▪ Northampton County Council :Northamptonshire Results: 2011 Census Data Summary 									
	Corby	Daventry	East Northants	Kettering	Northampton	South Northants	Wellingborough	Northants	England
2001	53,400	72,100	76,600	82,200	194,200	79,400	72,500	630,400	49,449,700
2011	61,100	77,700	86,800	93,500	212,100	85,200	75,400	691,900	53,012,500
% rise	14.4%	7.8%	13.3%	13.7%	9.2%	7.3%	4.0%	9.8%	7.2%
<ul style="list-style-type: none"> ▪ Ethnicity: 85.7% (White) and 14.3% (BME)- 1.75% (dual heritage); 4.01% (Asian); 2.5%(Black including British, African and Caribbean) ; 0.85 % (Chinese) ; 6.05 % (white other EEA, polish, Gypsy & Traveller) ▪ Gender: 49.6% males; 50.4% females (including 1% transgender) ▪ Disabled people: 19% (including 3.5 % < aged under 18) ▪ Faith communities: 71% Christian; 29% minority faith: (includes Hindu, Muslim, Sikh, atheists, non- belief) ▪ Sexual orientation (gay, lesbian or bisexual): 5 - 7% (Stonewall estimate) 									
Service Information: provide any relevant service data or information to inform the Equality Analysis including service user feedback, external consultation and engagements or research.									

Equality Analysis Report	
Name of function:	Trade Unions/Professional Organisations Facilities Agreement Protocol
Date:	October 2017
Protected Groups (Equality Act 2010)	<p>STAGE 3: Consider the effect of our actions on people in terms of their protected status?</p> <p>The law requires us to take active steps to consider the need to:</p> <ul style="list-style-type: none"> ▪ Eliminate unlawful discrimination, harassment and victimisation. ▪ Advance equality of opportunity ▪ Foster good relations with people with and with protected characteristic <p>Identify the specific adverse impacts that may occur due to this policy, project or strategy on different groups of people. Provide an explanation for your given response.</p>
Age	In compliance with the Equality Act 2010 this policy will be applied equally to all members of staff and will not allow a person's age to be used to their detriment to ensure that no member of staff will be treated less fairly based on their age.
Disability	Managers must not use any disabilities or associated long term sickness to the detriment of the employee or allow a disability to impact on the fair and equal application of the protocol.
Gender (male, female and transsexual, inclu. Pregnancy and maternity)	<p>The Trust is committed to eliminating discrimination on the grounds of sex, gender and is committed to ensuring employers' practices will not disadvantage women in the workplace during their pregnancy and maternity.</p> <p>In compliance with the Equality Act 2010 this policy will be applied equally to all members of staff and will not allow a person's gender to impact on the fair and equal application of the protocol.</p>
Gender reassignment	<p>The Trust will ensure that staff are not discriminated against due to their gender reassignment.</p> <p>All issues relating to gender reassignment will be considered throughout the application of this procedure and no discrimination or stereotyping will be allowed to impact on the fair and equal treatment of all staff.</p>

Sexual Orientation (incl. Marriage & civil partnerships)	No specific adverse impacts related to sexual orientation have been identified in the implementation of this protocol.
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Equality Analysis Report			
Name of function:		Trade Unions/Professional Organisations Facilities Agreement Protocol	
Date:		October 2017	
Race		No specific adverse impacts related to race have been identified in the implementation of this protocol.	
Religion or Belief (including non belief)		No specific adverse impacts related to religion or belief have been identified in the implementation of this protocol.	
Equality Analysis outcome: Having considered the potential or actual effect of your project, procedure etc., what changes will take place?			
No change.			
Action Plan			
Issue to be addressed	Action	Who	Date to be completed
Ratification – a completed copy of the Equality Analysis form must be sent to Equality and Inclusion Officer to be approved.			
Approving Officers			
Date of completion:			

11. Reference Guide

There are no references or bibliography associated with this document

12. Document control details

Author:	Charlie Cooper
Approved by and date:	Trust Policy Board – 18/10/2017
Responsible committee:	Trust Staff Partnership Forum
Any other linked Policies:	(HR001) Disciplinary Policy (HRp001) Flexible Working (Incorporating Job Sharing and Retainer Scheme) (HRp005) Special Leave for Domestic Personal Family Matters (CLP047) Policy for Safeguarding Children (CLP055) Policy for Safeguarding Vulnerable Adults
Protocol number:	HRPR002
Version control:	Version 2

Version No.	Date Ratified/ Amended	Date of Implementation	Next Review Date	Reason for Change (e.g. full rewrite, amendment to reflect new legislation, updated flowchart, minor amendments, etc.)
2	18/10/2017	19/10/2017	18/10/2020	