



Workforce

**Facilities Arrangements for Trade
Unions and Professional
Organisations Policy: guide for
managers**

This guide will help managers understand the Facilities Arrangements for Trade Union and Professional Organisations Policy. This policy supports employees who are staff side representatives, fostering good industrial relations.

The following guide forms part of the standard for workforce policies. These policies apply to all eligible staff within NHSScotland, regardless of the board they are employed by.

Consideration will be given to all employees who are undertaking duties on behalf of their trade union or professional organisation. The guide covers:

What is the purpose of the Facilities Arrangements for Trade Unions and Professional Organisations Policy?	3
Who is covered by this policy?	3
Trade union duties and activities.....	3
Partnership working.....	4
Procedure for agreeing facility time	5
Release agreements	7
Facility request and monitoring form.....	7
Funding	8
Time off and pay for conferences and courses	8
Representatives changing status	9

What is the purpose of the Facilities Arrangements for Trade Unions and Professional Organisations Policy?

The Facilities Arrangements for Trade Unions and Professional Organisations Policy supports accredited representatives who request to be released from their jobs to undertake partnership duties or trade union activities.

The policy provides a framework to support:

- Accredited representatives who are being released to undertake partnership and trade union activities.
- Practical facilities that are needed to carry out all trade union or professional organisation work.
- Partnership working in line with the [Staff Governance Standard](#).

The policy also enables boards to fulfil their statutory requirements as outlined in the Trade Union Act (2016), to report annually on paid trade union activities.

Who is covered by this policy?

This policy applies to all accredited representatives of recognised trade unions and professional organisations.

Recognised trade unions and professional organisations are those described in the partnership agreement for the NHS Board.

Trade union duties and activities

A large part of an accredited representative's responsibility will be representing staff who are members of their trade union or professional organisation, providing advice and guidance as required. An accredited representative may also require time off to undertake trade union activities, which may include national and local committees or programmes, recruitment, campaigning, or attending branch meetings.

Trade unions and professional organisations are independent bodies which represent the employment rights and interests of their members:

- A **trade union** is an organised association of workers in a trade, group of trades, or a profession formed to protect and further the rights and interests of its members.
- A **professional organisation** exists to advance a particular profession and support the interests of its members.

Partnership working

Partnership working is the approach to employee relations within NHSScotland as outlined in the [Staff Governance Standard](#).

NHSScotland has taken significant steps to develop and embed the concept and practice of partnership working. This involves the Scottish Government, NHS employers, trade unions, and professional organisations working closely to reach agreement on issues that affect employees. It requires openness, honesty, and a commitment to sharing information transparently. Consensus is widely accepted as the best way of prioritising and achieving commitment to long-term strategic change.

The Staff Governance Standard is a system of corporate accountability for the fair and effective management of all employees. This advocates the active participation of staff directly or via their trade union or professional organisation in issues that affect them. Discussions will normally take place at a partnership forum or negotiation committee where staff side representatives will advocate for all employees and not just their own members.

Each board will have its own partnership agreement, which will be signed by recognised trade unions and professional organisations. This agreement details the arrangements for partnership working and the associated negotiation and consultation rights.

Representatives may be asked as part of their duties to be involved in the partnership process by attending the local partnership forum or local negotiation committee. These are made up of local trade union and professional organisation officials and management representatives where discussion would take place about issues affecting staff. The local negotiation committee covers issues specific to medical and dental staff. In addition, they may be asked to undertake work on behalf of all

employees and not just their own membership. For example, an organisational change process.

Representatives may be asked to sit on national partnership groups as part of their role and will need time off to attend.

Procedure for agreeing facility time

Employees who are accredited representatives of a trade union or professional organisation will require time away from their jobs to carry out their trade union and professional organisation duties.

They are legally entitled to paid time off during working hours, which should not be unreasonably refused, subject to negotiation with the service. While most activities are expected to be undertaken within the normal work pattern, there will be occasions when time off in lieu is required.

You should meet regularly with the employee to discuss facilities arrangements and what time out is required. During these meetings, any impact on the service should be highlighted. Consideration should be given to all requests, and you should endeavour to be flexible where possible, as some requests may potentially be at short notice.

The employee should submit any request on the Facility request and monitoring form, which will outline what they are requesting time out for. It could be for trade union activities, duties, or partnership working. Any time off you approve should be paid as if at work (PAIAW). This will make sure they are not disadvantaged in undertaking trade union activities.

During the discussion, you should cover:

- Arrangements for agreeing time off and any other facilities needed.
- Any pre-planned regular commitments. For example, local partnership meetings.
- Completion of the Facility request and monitoring form.
- Access to other facilities and equipment. For example, office space and secure storage. This may be an area outside your day-to-day responsibility.

Requests for time off may be required for:

- Monitoring of national policies and terms and conditions of employment by attendance at local negotiating committees or sub-committees.
- Participation in relevant national negotiation and consultation bodies.
- Supporting members with workforce policy issues, including time to prepare for meetings called under the relevant procedures.
- The physical conditions in which employees are required to work, including participation in risk assessment programmes and local Health and Safety Committees.
- Supporting members with learning and development and to participate in local learning and development groups.
- Recruitment of employees to trade union or professional organisation membership, including attendance at employee induction courses.
- Supporting organisational change processes as a partnership representative and supporting individual members in a trade union role.
- Participation in the area partnership forum or its sub-groups, including preparation time and time to disseminate information and outcomes to members.
- Participation in the job evaluation system as a partnership representative and supporting individual members with re-banding claims in a trade union role.
- Supporting the staff survey and local staff governance processes.

Time off for the above duties would include reasonable travel time. Where meetings called by management are outside normal working hours, appropriate payment should be made, or equivalent time off should be granted to trade union and professional organisation representatives attending. This also applies to approved training courses that extend beyond contracted hours.

While the main discussions will take place in respect of time off there should also be a process for keeping in touch. This is to provide support and ensure the wellbeing of representatives.

Release agreements

Some accredited representatives may require more substantial facility time. This may result in release from some or all of their substantive post following a discussion between the trade union and the organisation.

Normally, an organisation will identify a specific management or HR representative to coordinate substantial agreements within the Board. Any such agreement will include a discussion with you as the manager. In such circumstances, the organisation should provide the representative with a formal release agreement.

Facility request and monitoring form

The facility request and monitoring form serves 3 functions:

- It acts as a means of recording formal authorisation given by the manager.
- It requires the manager to record the reason if the request has been declined.
- It helps to build an accurate picture of the amount of time invested in trade union activities to provide the legally required annual return.

The form itself details the time, date, and amount of time required.

[Download the Facility request and monitoring form.](#)

Representatives will be able to submit prospective requests in certain circumstances, as these will be for dedicated committees with times scheduled for the whole year. However, retrospective requests may also be needed where ad hoc time off has been required. The representative should have obtained permission through the agreed-upon process.

Accredited representatives must submit requests for planned facilities time within agreed timescales for authorisation by you. At the end of each month, the representative must complete the form on a retrospective basis, listing ad hoc or unplanned facilities time engagements.

There is a legal requirement in line with the Trade Union Act (2016) that requires the monitoring and reporting of:

- How many employees are union representatives.
- The total amount spent on union representatives for facility time.
- The percentage of the total pay bill spent on paying union representatives for facility time.
- The percentage of the aggregate amount of facility time taken by union representatives.
- Information relating to facilities provided by the organisation for use by union representatives in connection with facility time.

The facility request and monitoring form informs the monitoring return. It is important that this is fully completed and submitted in accordance with your organisation's procedure for monitoring and reporting facility time. For further information, contact your HR department.

Funding

The mechanism for any funding for facility time or release will be agreed upon by the area partnership forum.

Time off and pay for conferences and courses

Nominated delegates will normally be granted paid time off to attend trade union and professional organisation group meetings or conferences. Trade unions and professional organisations will cover the costs, such as travel and accommodation.

Reasonable time off with pay will be granted to attend training courses approved by the following:

- Trades Union Congress (TUC)
- Scottish Trades Union Congress (STUC)
- recognised trade unions or professional organisations

Requests should be made to you no later than four weeks before the start of the course. Details of the course should be provided. Trade union and professional organisation branches should seek to undertake an annual training needs assessment of representatives and branch officers and notify the service of requirements. Training programmes may include joint courses with the organisation.

Where approved training courses extend beyond contracted hours, appropriate payment will be made, or equivalent time off will be granted to trade union and professional organisation representatives attending.

Representatives changing status

A representative's status may change, and they may no longer be in a position to carry out the accredited role. This decision may come from the representative or the accrediting organisation. The organisation they are accredited by, is responsible for notifying the NHS Board. This communication would come to the director of human resources or equivalent, who will have a list of accredited representatives within the organisation. The former representative should also let their local manager know.

In some instances, representatives may join another trade union or professional organisation and be accredited as a representative. In such situations, the original organisation must still notify the NHS Board that the representative is no longer undertaking duties for them. The new organisation will then inform the NHS Board that the representative will be acting on behalf of their membership.