



**Workforce**

**Facilities Arrangements for Trade  
Unions and Professional  
Organisations Policy**

# Aim

The Facilities Arrangements for Trade Unions and Professional Organisations Policy aims to:

- Provide detail on how facilities arrangements support partnership and trade union working.
- Explain the difference between trade union duties, trade union activities and partnership working.
- Outline the legal framework underpinning the various activities recognised trade unions, professional organisations, and accredited representatives in NHSScotland can undertake.
- Detail the scoping and funding of facilities agreements.

# Scope

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

This policy complies with current legislation and meets the aims of the [Public Sector Equality Duty](#) of the [Equality Act 2010](#).

# Definitions

**Area Partnership Forum (APF)** is an organisation-wide body that supports joint working between trade unions, professional organisations, and employers. It has information-sharing, consultation, negotiation, and oversight functions to ensure partnership working is embedded within the board.

**Employee directors** are elected chairs of staff-side organisations within an NHS Board. In addition to representing their own trade union or professional body, they are also appointed non-executive directors of the NHS Board.

**Facility time** is time off from an employee's job that the employer grants to carry out their trade union or professional organisation role.

**Health and safety representatives** generally advise and support members and the employer on health and safety, including raising concerns about potential hazards and dangers.

**Learning representatives** are influential in supporting, developing, and improving the learning culture within the workplace. They raise awareness about the value of learning, help organise courses in the workplace and support and encourage members to take part in learning.

**Local Negotiating Committees** are part of an organisation-wide body that supports joint working between professional organisations representing medical and dental employees and the employer. It has consultation, negotiation, and information-sharing functions.

**Partnership representatives** work with the employer to achieve an end goal that benefits both the organisation and the employee. They are agreed by the board's Area Partnership Forum to represent all trade unions in joint working groups.

**Partnership working** is the approach to employee relations within NHSScotland. It engages staff in governance and decision-making at multiple levels.

**Trade unions** and **professional organisations** are independent bodies representing their members' employment rights and interests.

**Trade union workplace representatives** advise and support members on individual issues, such as disciplinary cases, and collective issues, including industrial action.

## Roles and responsibilities

There is a range of standard expectations which underpin all policies. [Read more about standard roles and responsibilities](#). In addition, the following specific responsibilities apply to this policy.

### Employer

The employer should:

- Promote and actively participate in partnership working as the model of employee relations within the board.
- Provide facilities, including time, to recognised trade unions and professional organisations.
- Put in place a framework, agreed by the Area Partnership Forum, to oversee facility time.
- Make sure that management at all levels is familiar with this policy.

- Make sure there is no victimisation or detrimental treatment of employees regarding their trade union or professional organisation involvement.
- Make sure that employees are informed about all recognised trade unions and professional organisations as part of the board induction process.

## **Manager**

The manager should:

- Be familiar with this policy.
- Meet regularly with representatives within direct management to discuss facilities arrangements.
- Consider time off requests and be flexible where possible to support representatives' facility time, potentially at short notice.
- Record facility time for trade union duties and activities on the Scottish Standard Time System (SSTS).

## **Trade unions and professional organisations**

Recognised trade unions and professional organisations should:

- Elect and accredit representatives in accordance with their internal arrangements.
- Inform the employer of accredited representatives and areas of responsibility.
- Provide appropriate training for their representatives.
- Make sure representatives are familiar with the terms of this policy.
- Make sure that the time and resources provided in this context are used appropriately.
- Make sure representatives give reasonable notice of time off requirements where possible.
- Comply with monitoring arrangements.

## **Accredited representatives**

Accredited representatives should:

- Meet regularly with the manager to discuss facilities arrangements.

- Give reasonable notice of facility time requirements and requests where possible.
- Record activity on the Facility request and monitoring form.

## **Employee director**

The employee director should:

- Chair the board staff side group.
- Provide an employee perspective on strategy development and service delivery issues.
- Act as a focal point for employees from across the local NHS system who wish to contribute to the business of the NHS Board.
- Champion partnership working and promote opportunities for employees to be involved in decision-making locally.
- Reflect the views of the Area Partnership Forum on compliance with the Staff Governance Standard.
- Provide a link between the Area Partnership Forum and the NHS Board.

## **Procedure**

Trade unions and professional organisations negotiate facilities arrangements on behalf of their accredited representatives to carry out activities and duties for their members.

Trade union and professional organisation activities include:

- recruitment
- campaigning
- attending branch meetings

Trade union and professional organisation duties include:

- representation
- negotiation and consultation
- training

Partnership working is the agreed model of employee relations within NHSScotland. To support this model, accredited representatives can undertake partnership roles in the interests of all employees. This can include, for example, organisational change or short-term working groups for service development. Accredited representatives are also

entitled to reasonable paid time off that has been approved to undertake these activities.

It is recognised that some accredited representatives may need additional facility time. These may include:

- branch secretaries or other elected roles
- members of Local Negotiating Committees and Area Partnership Forums
- Health and Safety Committees, as there may be Health and Safety Representatives requiring time off to attend and fulfil their role
- those undertaking specific partnership roles
- those undertaking the support of learning and development as part of their role as a learning representative
- participants in national groups

Whether carrying out trade union and professional organisation responsibilities or working in partnership, both elements are key to service delivery and achieving the Staff Governance Standard.

## **Procedure for agreeing time off**

Accredited trade union and professional organisation representatives are legally entitled to paid time off during working hours, subject to reasonable notice.

Requests for paid time off should not be unreasonably refused, subject to negotiation with the relevant service. Where paid time off has been approved, this should be paid as if at work (PAIAW).

When a manager is notified that an employee has become an accredited representative, they should arrange to meet. They should discuss arrangements for agreeing on time off and any other facilities that might be needed.

## **Procedure for ad-hoc requests**

The representative should inform the manager of any pre-planned regular commitments, such as attendance at local partnership meetings. Advance notice will support planning for time off.

For short notice requests, the representative should contact the manager as agreed in their initial discussions.

At the end of each month, the representative should complete a retrospective Facility request and monitoring form to record all facility time taken.

## **Procedure for substantial release**

For some accredited representatives, the nature of their roles will require more substantial facility time. To support this work, discussions should take place between the trade union and the employer's designated representative.

Where it is agreed that the accredited representative must be released from some or all of their substantive post, a formal release agreement should be provided.

A formal release agreement will cover:

- continuity of employment
- protection of existing terms and conditions
- reporting and appraisal arrangements
- duration
- continuous professional development and accreditation
- exit strategy

A record of the level of facility time granted should be maintained.

Agreement should be reached for an organisation-wide process for submitting and reporting time off requests.

## **General facilities and resources**

NHS Boards should agree on other resources with trade unions and professional organisations that accredited representatives require to carry out their duties and activities. This may include office accommodation, access to computers and telephones, and the scope to deduct membership fees via the payroll.

## **Funding**

Each board should establish a mechanism, agreed upon by the Area Partnership Forum, to identify overall facility time requirements. The method of funding should be determined locally. It should adhere to the principles of fairness, equity, and transparency across the organisation and among recognised trade unions and professional organisations.

## **Recording and monitoring facility time**

The Area Partnership Forum is responsible for monitoring facility time and resolving any disagreements that may arise.

NHS Boards are legally required to produce information on the time and cost of trade union activities and duties annually. To enable this, trade union duties and activities must be recorded.

It is important to monitor separately the time spent on trade union activities and duties and partnership duties. For those on substantial release, an agreed nominal split of partnership and trade union activities and duties is required for reporting purposes.

## **Resolution of disagreements**

Should a disagreement arise, every effort should be made to seek early resolution wherever possible. It may be appropriate for either party to seek support to resolve the matter from more senior HR and trade union colleagues. Where a resolution has not been achieved, the employee has the right to raise matters under the [Grievance Policy](#).