



**Workforce**

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

This guide will help employees understand facility arrangements for trade unions and professional organisations. The policy supports employees who request time off for trade union activities.

The following guide forms part of the standard workforce policies. These policies apply to all eligible staff within NHS Scotland, 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:

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# **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 are requesting to be released from their jobs to undertake partnership duties or trade union activities.

The policy provides a framework to support:

- Accredited representatives being released to undertake partnership and trade union activities.
- Practical facilities needed to carry out all trade union or professional organisation work.
- Partnership Working in line with 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**

As an accredited representative of a trade union or a professional organisation you are legally entitled to time off within working hours to allow you to carry out your associated duties. This may include:

- Representing or advising members
- Attending staff side groups
- Campaigning
- Attending the Area Partnership Forum
- Attending Local Partnership Forums
- Co-delivering training

- Attending off-site conferences

Duties may also include any activities undertaken by learning representatives or health and safety representatives.

## **Procedure for agreeing facility time**

Your trade union or professional organisation will write to the board to confirm your accreditation. Once this has been confirmed, you will then be required to discuss any requests with your manager.

Whilst any request for time should not unreasonably be refused, agreement may be subject to the service's requirements. Any time requested and agreed will normally be within working hours and should be paid as if at work (PAIAW).

There may be occasions where trade union activities take place outside your working hours. Where possible, this should be agreed in advance with your manager. In this situation time off in lieu should be granted. This will make sure you are not disadvantaged in undertaking trade union activities.

You should complete the Facility request and monitoring form and submit it monthly to the designated department. It should be submitted whether your request for time out has been granted or not.

In addition to requesting time, your discussion with the manager should also cover any other resources required. This may include access to equipment, office space, and secure storage.

## **Release agreement**

There may be situations where it is identified that dedicated facilities time is required across the organisation by trade union or professional organisation representatives. In such cases, an appropriate approach should be considered.

One of the most common approaches is through full or part-time planned release. This allows your employer to quantify the facilities time that is required to be backfilled or covered.

The form of planned release will vary greatly depending on your employer but can be arranged into 2 distinct categories:

- staff side facilities time
- individual trade union or professional organisation facilities time

In the case of staff side facilities time, individuals are elected or selected by the staff side on short or long-term planned release from their substantive post.

Individual trade union and professional organisation facilities time is approached in a different manner. For example, individual trade unions and professional organisations negotiate an agreement on behalf of their union or organisation.

The planned agreement is negotiated and outlined in a release agreement. This will include:

- duration of the agreement
- hours
- reporting arrangements
- bringing the agreement to an end

However, you may not have a planned release agreement and request facilities time as the need arises. This is known as an ad hoc release. You will submit a request for facilities time authorised by your manager, which should be recorded on the [Facility request and monitoring form](#).

Recording facility time is a legal requirement. The facility request and monitoring form must be completed, authorised, and submitted to the appropriate person for recording purposes.

## **Time off and pay for conferences and courses**

If you are a nominated delegate for attendance at trade union and professional organisation group meetings or conferences, you can request paid time off. Trade unions and professional organisations will cover the costs, such as travel and accommodation.

Examples of conferences and courses would include:

- Trade Union Congress (TUC)
- Scottish Trade Union Congress (STUC)
- National conferences
- Recognised trade union or professional organisation courses

Any request you make should be no later than 4 weeks in advance of the start of the course. You should provide your manager with details of the course. Your trade union or professional organisation branches should seek to undertake an annual training needs assessment and notify the service of requirements. Programmes of training 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**

Your representative status may change, and you may no longer be in a position to carry out your accredited role. The organisation you are accredited by is responsible for notifying the NHS Board as your employer. This communication would come to the director of human resources or equivalent, who will have a list of accredited representatives within the organisation. You should also make sure that your manager is aware of the situation.

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

## **Facility request and monitoring form**

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 time request form informs the monitoring return. It is important that this form 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.

The facility time request 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.](#)

There will be circumstances where you, as a representative, are able to submit prospective requests. These will be for dedicated committees that have times scheduled for the whole year. There may also be a need to submit retrospective requests where ad hoc time off has been required.

## Recording

Time out should be recorded on the Facility request and monitoring form monthly and submitted to the authorising manager for sign-off. The authorising manager will either agree to or decline the individual requests. These should all be recorded on the Facility request and monitoring form and submitted at the end of each month.