

**Recognition Agreement with Trades Union & Professional Bodies, including
Facilities and Time Off for Recognised Staff Representatives for Trade Union Duties
and Activities**

Author:	Human Resources
Sponsor/Executive:	Director of People & Business Development
Responsible committee:	Joint Consultation & Negotiating Partnership
Ratified by:	Quality, Safety and Governance Committee
Consultation & Approval: (Committee/Groups which signed off the policy, including date)	Joint Consultation & Negotiating Partnership 24 November 2022
This document replaces:	Recognition Agreement with Trades Union v2.2 and Facilities and Time Off for Recognised Staff Representatives for Trade Union Duties and Activities, V4.
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Version:	1.1
Policy Number:	HR11
Purpose of the Policy:	Defines the Recognition Agreement and role of Trades Unions within the organisation as recognised by the Trades Union and labour Relations (consolidation) Act (TUL(C)A) Section 188, The Employment Relations Act (ERA) and the Information and Consultation of Employees Regulations (ICE), including arrangements for facility time, equipment and secure storage for use by accredited representatives in relation to their duties and activities
If developed in partnership with another agency, ratification details of the relevant agency	
Policy in-line with national guidelines and legislation	Agenda for Change Section 25, TULCRA, ERA 1999 & Trades Union Act 2017 & ACAS.

Signed on behalf of the Trust:



Anna Hills Chief Executive



Signed on behalf of Staff Side:

.....
Shona Greig, Staff Side Secretary

Elizabeth House, Fulbourn Hospital, Fulbourn, Cambs, CB21 5EF Phone: 01223 726789



INVESTOR IN PEOPLE



Version Control Page

Version	Date	Author	Comments
1.0	May 2022	Lynn Gaunt, Senior Human Resource Business Partner & Shona Greig Staff Side Secretary	A combination and replacement of the two policies, Recognition Agreement with Trades Union & Professional Bodies, and Facilities and Time Off for Recognised Staff Representatives for Trade Union Duties and Activities which were both due for review.

Policy Circulation Information

Notification of policy release: ;	All recipients; Staff Notice Board; Intranet, Staff News
Key words to be used in DtGP search.	Recognition Agreement, Trades Union, Professional Bodies, Facilities

CQC Standards	Care regulators, professional bodies and unions join forces to launch Speaking Up charter - Care Quality Commission (cqc.org.uk)
Other Quality Standards	Trade Union Representation in the Workplace (acas.org.uk)

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1. Introduction

- a. Partnership working with the recognised trade unions is essential to the development and delivery of all Trust activities. This document describes the agreement on the ways in which the Trust gives formal recognition to a range of Trades Union and Professional Bodies which its staff may be members of.
- b. In agreeing formal recognition of the organisations listed below Cambridgeshire & Peterborough NHS Foundation Trust (known hereinafter as the 'Trust') accepts that not all staff may choose to become members of Trades Unions or Professional Bodies and the Trust will endeavour to include their views on the issues covered here in any practical available way. The Trust will promote the positive benefits of being a member Trades Unions or Professional Bodies via staff news and the Trust's Intranet, New Starter Inductions and via other Staff networks
- c. The Trust also recognises and respects the legal responsibility to provide a range of facilities for recognised and accredited Trades Union and Professional Body representatives to use to the benefit of their members and our employees.
- d. The nature of the Trust's business in providing responsive accessible health services, designed to meet the individual needs of users and carers, requires the routine application of effective partnership working. Adhering to this agreement, will foster this positive relationship.
- e. The Trust and its staff organisations recognise that it is in their mutual interest for each recognised organisation to have an adequate number of effective, properly trained people to represent the interests of their members and as appropriate all staff. The Trust recognises that elected representatives must have reasonable paid time off to enable them to undertake their Trades Union duties and to train for their role in line with Section 168, Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA), Agenda for Change and the Health and Safety (Consultation with Employees) Regulations 1996.

2. Recognition

This agreement is made between the Trust, and the following Trades Unions and Professional Bodies (known hereafter as "the Unions"):

1. The British Association of Occupational Therapists
2. The British Dietetic Association
3. The Chartered Society of Physiotherapy
4. GMB
5. Managers in Partnership
6. The Royal College of Podiatry
7. UNISON
8. Unite the union
9. Royal College of Nursing
10. British Medical Association

The Trust recognises those organisations listed above for the representation of members on individual and collective bargaining issues, and for consultation and

negotiation in respect of members who are employed by the Trust and for all staff in relation to matters of Learning and Development, Equality and Diversity, Organisational Change and Health And Safety. These organisations are recognised by the NHS Staff Council which operates in the spirit of social partnership.

The Trust recognises the benefit for both the organisation and the workforce that comes from being part of a collective organisation, and actively supports the rights of its workforce to hold or become a member.

The Unions listed have sole recognition and bargaining rights to represent all Trust employees with the exception of:

- a. Directors
- b. Individual elements of Senior Managers and Clinical Managers contracts i.e., those not governed by common terms and conditions.

The Trust agrees that it will not recognise or negotiate with unions not listed in this agreement. However, the Trust will be compliant with the Employment Relations Act (ERA) 1999 on the recognition of trade unions which are not currently recognised. If either party receives an approach, it will as, a matter of course, advise the other party.

Any recognition rights given to unions are conditional on them demonstrating they have members employed by the Trust, as validated by ACAS. If a union has no members employed by the Trust for a period of six months or more, the recognition of that union will cease and will be reconsidered on request.

3. General Principles and Scope of Agreement

The Trust and Trades Unions have a common objective in the long-term in ensuring efficiency and success of the Trust for the benefit of all, ensuring: Employee Health Safety and Wellbeing and that employees' Terms and Conditions and rights in law are adhered to as a minimum. This policy recognises partnership working underpins and facilitates the development of sound and effective agreements, policy and procedures with regards to employee relations and high-quality service delivery.

All parties to this agreement recognise that their pursuit of this common objective under this recognition agreement shall be by:

a. **Negotiation**

For the purposes of reaching agreement and avoiding disputes. The scope of such negotiation shall be on terms and conditions and rates of pay, where agreed, which are not subject to the national and regional negotiating bodies, plus any other matters that both sides agree should be subject to negotiation.

b. **Consultation**

The exchange of proposals and views based on the general principle that the mere passage of information is not consultation. Consultation involves an opportunity to offer solutions, influence decisions and their application, with a view to reaching agreement. The scope of consultation shall continue to be

those areas which have traditionally been dealt with by consultative process at local level, covering:

- i. strategic planning decisions, including the allocation of resources, which have implications for staff.
 - ii. operational decisions likely to affect the job prospects or job security of particular staff groups or occupations.
 - iii. all aspects of the immediate job environment, plus those parts of the individual employment relationship not subject to collective bargaining.
- c. **Communicating & Sharing Information**
Keeping each side fully informed of all relevant matters in a timely manner i.e. cost Improvement initiatives (national, regional, trust wide or by directorate), Trust and NHS wide initiatives, trust wide and Directorate transformations to ensure that the Trust is supported by its biggest asset, its staff, to take the Trust forward in meeting its objectives and principles.
- d. The scope of collective bargaining shall be on those areas defined by section 178 of the Trade Union and Labour Relations (Consolidation) Act 1992 and subsequent Acts.
- e. The Unions recognise the Trust's responsibility to plan, organise and manage the activities of the Trust, according to the objectives and principles of the Trust the Integrated Care System, (ICS) and the Autonomous Business Units (ABU)
- f. The Trust recognises the Unions' responsibility to represent the interests of their members; to work for improved conditions of employment and maintain the national agreement and terms and conditions for the employees covered by this agreement in the trust, the integrated Care System (ICS) and the Autonomous Business Units (ABU)
- g. All parties to this agreement accept that each has a responsibility to keep relative staff directly informed of matters concerning the activities of the Trust, but this does not remove the requirement under this agreement to negotiate and consult through the recognised processes on matters covered by this agreement.
- h. All parties to this agreement recognise their responsibility to encourage all staff to make use of appropriate channels to ensure active and respectful communications throughout the organisation.
- i. All parties to this agreement recognise their interdependence and agree that matters affecting their interests shall be considered jointly, by consultation and negotiation as provided for in this agreement.

4. Arrangements for Consultation & Negotiation

This agreement establishes a structure for negotiations and consultation as detailed below:

4.1 Purpose of Joint Consultation & Negotiating Partnership (JCNP)

- a. To inform, consult or where appropriate to negotiate the implementation of national and regional agreements, such as agreed for example by the NHS Staff Council, NHS England or NHSi.
- b. To conduct the detailed negotiations on those Trust and or system wide matters, which come within the scope of collective bargaining, Organisational Change, Emergency Planning and Risk Reduction, Health and Safety and Equality Diversity and Inclusion and/or other areas as agreed by the forum.
- c. To contribute to the consultative process on matters of importance more appropriately addressed in partnership.
- d. To provide a regular and effective means of joint discussion on a wide range of subjects, dealing with Trust and system wide issues.
- e. To provide an opportunity to share information.

4.2 The JCNP shall not discuss matters which:

- a. are too narrow in scope, which affect only one or two individuals or an individual area and are better dealt with more immediately by direct liaison between the Trades union Representative, the employee and local management.
- b. are beyond the scope outlined in section 3 and Agenda for Change for which the Group is recognised
- c. except where it is agreed in advance by both parties that a particular matter requires analysis and discussion or future action to support any necessary change.

4.3 Membership

The Trust and Unions will ensure that their membership of the JCNP is representative and that in any collective bargaining; they each have a mandate to negotiate and commit decisions. Accredited representatives of Unions will abide by the rules of their organisation and the policies and procedures of the trust.

The membership of the Partnership will include up to 10 Management side representatives and 16 Staff Side representatives drawn from accredited representatives of trades unions recognised by the Trust. In addition, the partnership will comprise a management and staff side chair and secretary. The group will therefore be limited to a maximum of 30 people overall. Both the Management and Staff Sides will identify their partnership representatives. Deputies can be identified and may attend in the absence of a partnership member. Full time officials belonging to Trade Unions recognised by the Trust may attend these meetings.

Individuals may be invited to attend meetings of the partnership to present on agenda items in which they have particular interest. It shall be for the joint

secretaries mutually, upon the agreement of a quorate number on both sides to agree such attendances prior to meetings.

Chairperson - the JCNP shall be chaired alternately by the Management Side and Staff Side or nominated deputy.

Joint Secretaries - Joint secretaries will be agreed by each group. The Management secretary will be responsible for the preparation of the agendas and minutes of meetings held, and for obtaining the agreement of the Staff Side Secretary to these.

Sub-Groups – The JCNP may form specific sub-groups, to discuss analysis, evidence related to issues with significant implications for a significant group or on a particular initiative or issue(s) as determined by the group. The sub-group members will draw up terms of reference to be agreed by the JCNP. and can be requested by either the Unions or the Trust.

4.4 Occupational Negotiating Committees

The purpose and scope of each Occupational Negotiating Committee (ONC), as sub groups of the JCNP are:

- a. To conduct the detailed negotiations on those matters relating to the staff groups concerned which come within the scope of collective bargaining.
- b. To also contribute to the consultative process on matters of higher importance more appropriately dealt with at this level.

The following Occupational Negotiating Committee(s) shall operate within the Trust and the Minutes will be available to the JCNP:

- a. Medical Negotiating Group (MNG) – At least one management and staff side representative from this group shall sit on or the minutes of meetings will be shared, in advance to the JCNP.

Other ONCs will be set up as and when required and by agreement with the JCNP

5. Facilities and Time Off for Recognised Staff Representatives for Trade Union Duties and Activities.

The Trust will provide at least the minimum facilities as defined below for Recognised Staff Representatives for Trades Unions Duties and Activities to conduct the business of the JCNP and ONCs or any sub committees in accordance with this agreement. However, in recognition of the positive working relationship that comes from good working relationships between the Trust and Trades Unions, the Trust will always endeavour to go over and above that which is nationally agreed.

5.1 Purpose

This agreement is to set out the facilities agreed and provide guidance in addressing requests for time off for Trades Union duties and activities. See letter for managers attached in appendix A.

5.2 Definitions

The Unions/Staff Side

Includes all trades union and staff side organisations which are recognised for employee relations purposes by the Trust as identified in this policy, Agenda for Change, ACAS guidance and related legislation.

a. Representative

Include Trades Union workplace stewards, Health and Safety representatives, Union Learning representatives, Equality representatives, workplace contacts, information and consultation, representatives, and branch officers.

b. With pay

Means that, for the agreed and approved periods of time for training and representing, the representative will receive the pay they would have been paid had they worked those hours and should expect to incur no detriment.

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

c. Facilities

Notice Boards, and / or some space on, for the use of Unions will be provided at each workplace across the Trust for Unions to exhibit any notice of interest to staff.

Access to a confidential office equipped with telephone, computer and individual secure storage for confidential papers for use by all accredited representatives representing staff is provided by the Trust. Staff representatives will always adhere to the Trust policy and protocols on the use of equipment. The trust respects the confidential and sensitive nature of communications between union representatives, their members and trade union. And as such will not normally conduct monitoring of union electronic communications. Only in exceptional circumstances should employers require access to communications, but such access is subject to the general rules set out in statute and the Employment Practices Code issued by the Information Commissioner's Office.

Representatives requiring access to a room for confidential interviews or meetings with members and/or area, regional and national officers will be provided with such accommodation on an ad-hoc basis subject to availability, which should be booked through the normal room booking process.

An identified annual budget will be provided to support staff side to facilitate positive Union engagement such as providing additional administrative support or backfilling of time for Trades union activity in order to ensure individual service budgets are not negatively and inequitably impacted on. This will be managed by the Trust in discussion and agreement with Staff side. Details and / or proposed changes will be shared and agreed with the Joint Consultation & Negotiating Partnership in advance.

5.3 Duties

Time Off with Pay

Representatives are entitled to reasonable time off, with pay, to perform Trade Union duties and training and forward planning is essential to positively support this ethos. Subject to the needs of the service and adequate notification, accredited representatives will be permitted paid time off for: collective bargaining on terms and conditions of employment including: equality, diversity, inclusion and human rights, redundancies, job evaluation, policy work, individual representation, meetings with management and/or human resources, keeping member informed of negotiations and policy changes This will include time to prepare for meetings and disseminate information and outcomes to members, during working hours to carry out their duties. Where possible, reasonable notice should be given. Request for time off should be made as far in advance as possible as is reasonable in the circumstances.

Trades Union Representatives

The main responsibilities of a Trade Union Representative include:

- Preparation for and attendance at meetings with Management. These will include consultative meetings, working groups, briefing meetings, reorganisations and collective bargaining.
- Meeting with members to consult with them and to inform them of the outcome/progress of matters under discussion with Management.
- Consulting with the Trust, or receive information from the Trust, about organisational change, redundancies or business transfers.
- Engaging with the trust on Policy and process structure and review
- Undergoing training for Union duties (as approved by the Union or by the Trades Union Congress).
- Representing their members in Employee Relations situations including Health and Safety, Wellbeing, Equalities and Dignity at Work, Supporting Attendance, Disciplinary, Grievance, and Capability etc.
- Representing their members at Health and related cross sector Local, Regional & National forums.
- Meeting with or contacting new employees to explain the role of the unions and Professional Body organisations in the workplace.
- Communicate with management potentially minimising the negative impacts and reducing the number of working days lost through industrial action.

5.2 Health and Safety Representatives

In the case of Health and Safety representatives, whether or not they are appointed also to function as staff Safety representatives, their main duties shall be regarded for the purpose of time off to include:

To attend locally and where appropriate regional Emergency Preparedness and Risk Reduction for a and agreeing related policy

- Representing employees in talks with trust management, the Responsible Officer for Employee Safety, the Health and Safety Executive or other environmental enforcement agencies in the promotion and development of staff health and safety measures and ensuring the effectiveness of these measures.
- To make representations to management on general matters affecting health, safety and welfare at work of employees at the workplace and investigate any complaints from employees they represent.

- To work with management on issues relating to health and safety that affect employees in a positive manner and to aim to attend Health and Safety Committee's
- To support the Trust's Serious Incident Processes
- To conduct with appropriate notice Workplace Health and Safety inspections
- To take part in workplace risk assessments
- To conduct joint health and safety inspections as and when required or requested.

5.3 Union Learning Representatives (ULR's)

ULRs are a group of nominated and elected union members who are instrumental in championing the importance of training and development of employees and are members of organisations such as the Royal College of Nursing, UNISON, Unite the Union and the British Medical Association. ULRs can play a supportive role in assisting learners in identifying learning needs, gaining line management support in addressing those and accessing time to train if problematical,

ULR's can also act in an advisory capacity should an individual feel that their access to development has not been supported. Contact and information can be found at the Trade Union Section of the Trust's Intranet. ULRs are entitled to reasonable paid time off for training and, for performing their duties. Some of the activities of ULRs will be to support the Trust in:

- Promotion and wide communication of the benefits of Lifelong Learning:
- Working jointly with the Trust to identify the learning needs of both the employer and individual employees.
- Working with learning and Development in embedding Lifelong Learning in the Trust.
- Prioritising of learning needs
- Supporting and advising individuals on available training
- Identifying groups and individuals who are to benefit from the various initiatives
- Producing realistic Individual Learning Plans (ILPs) and setting related goals and target.
- Work towards establishing learning centres in key areas across the Trust
- Information and Consultation
- Support, advise and guide members and others through organisational change and may make representations on proposals.

5.4 Training

Time off with pay will be granted for all staff side representatives to undertake training for their role. Time off with pay may be agreed for further, more advanced training, for updating and for specialist training of branch officer roles. The appropriate operational Manager must agree each request. Reasonable notice should be given, where possible the amount of notice should exceed six weeks in order to work within duty rotas, to ensure safe and effective service delivery. It is an expectation that time to train will be supported to facilitate positive partnership working.

5.5 Time off Without Pay

Representatives may negotiate reasonable time off without pay for all other purposes to enable them to undertake Trades Union activities. Time off will not

be granted when the activity constitutes industrial action whether or not they are in contemplation or furtherance of a dispute.

5.6 Travel Expenses

Trade Union representatives will be entitled to claim travel and subsistence expenses incurred whilst performing trade union duties in relation to the partnership process and for individual representations in line with Agenda for Change 25.13

6. Conferences – Study Leave

The Trust recognises Trades Union representatives to be official delegates at their respective Trades Union conferences and will provide reasonable access to study leave (time off with pay) for these activities.

The Trust will endeavour to meet study leave requests for these purposes for each staff organisation, provided reasonable notice is given and that Trust services can be safely and appropriately maintained. All requests for study leave should be discussed and approved by the representative's line manager and copied to the Associate Director of People Services

7. General Principles & Obligations

Recognised staff representatives are entitled to reasonable time off (whether or not it is paid) as a right not a privilege within the terms of this policy. Managers must not unreasonably refuse requests for time off. These will be agreed, subject to the exigencies of the service.

Both Management and Staff recognise that sensible compromise may be necessary to ensure that a representative has reasonable time off to enable them to undertake a representative role, while recognising the need for service provision.

Staff representatives must not be disadvantaged or victimised during their employment because of their Trade Union duties or activities.

Any time off must be agreed and approved by a representative's supervisor or line manager before taking the time off. They should give as much notice as possible, and normally with a minimum of 6 weeks' notice.

Staff organisations will endeavour to provide sufficient, properly trained representatives for their membership with the aim of ensuring the broadest representation possible aiming to ensure equitable burden and least disruption to service delivery.

It is the responsibility of each staff side organisation to ensure Management is provided with up-to-date, information about their accredited representatives. The staff side secretary will provide the HRBPs with a regularly updated list as informed by regional union staff.

Unions will be provided with the list of their members whose subscriptions are by deductions of contributions at source (DOCAS) directly from the payroll management services as agreed in their respective service level agreements.

New Starters Information.

The staff side secretary will be provided with a list of new starters in the trust from the workforce team to facilitate the legitimate sharing of Staff Side information related to trades union duties and activities, recruitment information and retention of current members beginning new employment in the trust.

8. . Resolving Difficulties with regard to Time-Off

If a manager or representative is experiencing difficulties or feels aggrieved about some aspect of time off, they should contact:

- a. Staff Side Secretary
- b. Associate Director – People & Business Development

It will be the responsibility of the above to address the issues raised and to resolve them. Full-time officers of staff organisations may also be able to assist both managers and staff representatives to resolve problems. If informal discussions fail, then the Trust's Early Resolution, dignity at Work and Grievance policy and procedure may be used.

9. Equality Analysis

Assessing the impact on equality of decision-making and policies and practices is an important part of complying with the general equality duty. The trust will in partnership undertake an analysis of all key decisions from an equality perspective making sure there is no adverse impact on people with protected characteristics.

An Equality Analysis will be undertaken on this policy.

10. Links to Other Documents

- a. Internet Acceptable Use Policy
- b. Email Policy
- c. Electronic Communications Policy
- d. Information Security Policy
- e. Agenda for Change - NHS terms and Conditions of Service Handbook
- f. ACAS Guide Trades Union Representation in the Workplace

11. References & Acknowledgements

- a. Section 168, Trade Union and Labour Relations (consolidation) Act 1992 (TULRCA),
- b. Agenda for Change (AfC)
- c. Health and Safety (Consultation with Employees) Regulations 1996
- d. Equalities Act 2010
- e. Trade Union and Labour Relations (Consolidation) Act (TULR(C)A) 1992
- f. TULR(C)A as amended in 2002.
- g. Employment Relations Act (ERA) 1999
- h. Health & Safety Committee Regulations 1977
- i. Management of Health and safety at Work (amended) Regs 2006
- j. Information and Consultation of Employees Regulations 2004 (known as ICE)
- k. CQC. (Ref: <https://www.cqc.org.uk/news/stories/care-regulators-professional-bodies-unions-join-forces-launch-speaking-charter>)

12. Monitoring Compliance

- a. The JCNP will ensure the monitoring and compliance of this policy through the Partnership Forum and this agreement will be reviewed every 3 years and either side may terminate it, giving six months' notice in writing to the respective joint secretary. In these circumstances, both parties would use their best endeavours to find mutually acceptable alternative arrangements during this six-month period.

Appendix A



Recognition with Trades Unions and Professional Bodies, partnership working with the recognised trade unions is essential to the development and delivery of all Trust activities. Our agreement was written in respect of section 168 Trade Union Labour Relations (Consolidation) Act 1992 [TULRA], observing the ACAS Code of Conduct and Agenda for Change.

Part of this agreement is reasonable time during paid working hours to support partnership activities (trades union duties) such attendance and preparation time for the Joint Consultative & Negotiation Committee, related subcommittees (e.g., Policy Review and writing) and reasonable time to engage with and make meaningful informed contribution to the recognised staff networks as well as to represent members with individual cases.

We have taken the decision to produce this short communication for managers to reduce the potential need to enter in into time consuming debate and negotiations on behalf of individual ERA stewards, health and safety representatives and union learning representatives. If there are issues please contact the staff Side secretary in the first instance.

Trades union duties and activities carried out in paid work time are recorded and published by the Trust under the Trade Union Act 2016. Examples are:

- negotiating pay, terms and conditions and matters of health and safety
- supporting members with disciplinary or grievance procedures including meetings & to hear cases
- accompanying members to meetings with their line manager to discuss flexible working requests
- discussing issues that affect union members such as organisational change, and equalities issues
- analyse the learning or training needs of union members
- give information and advice about learning or training
- arranging or encourage learning or training
- discuss related activity with the employer
- training as necessary to the role

<https://www.gov.uk/rights-of-trade-union-reps>

Your active positive support as far as reasonably practicable and possible to plan and be flexible to enable our accredited stewards and representatives to fulfil their obligations in engaging with their members and trust business is greatly appreciated.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Stephen Legood". The signature is fluid and cursive, with a large loop at the end.A handwritten signature in black ink, appearing to read "Shona Greig". The signature is cursive and somewhat stylized.

Stephen Legood *Director of People and Business Development* / Shona Greig *Staff Side Secretary*