

# TRADE UNION AND PROFESSIONAL ORGANISATION (STAFFSIDE) RECOGNITION, FACILITIES AND TIME OFF WORK POLICY

This policy sets out arrangements for the recognition, granting of facilities and time off work for accredited representatives and members of Trade Unions/Professional Organisations (Staffside) / Health & Safety Representatives and Staffside Learning representatives.

**Key words:** Trade union, Professional organisation, Staffside, Recognition, Facilities, Time Off

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### SUMMARY & AIM

This Policy describes arrangements for the recognition, granting of facilities and time off work for accredited representatives and members of trade unions / professional organisations (Staffside) / health and safety representatives and learning representatives.

### TARGET AUDIENCE:

Staff that are union representatives – full, learning or health and safety, staff considering becoming union representatives, and managers that have responsibility for staff who are also union representatives.

### TRAINING

There is no training requirement identified within this policy. Managers will be made aware of the requirements as and when they have staff representatives accredited within their area.

### KEY REQUIREMENTS

Leicestershire Partnership Trust (hereafter referred to as "LPT") is committed to the principles of partnership working and staff involvement. Partnership underpins and facilitates the development of sound and effective employee relations throughout the Trust. The Trust recognises that the participation of trade union and professional organisation representatives in the partnership process can contribute to delivering improved services to patients and service users.

This agreement covers arrangements for the recognition, granting of facilities and time off work for:

- Accredited representatives and members of trade unions/ professional organisations (Staffside), which are recognised by LPT.
- Health and safety representatives, whether or not they are also accredited Staffside representatives, so that they can be trained to carry out the functions and duties in relation to health and safety at work within LPT.
- Staffside Learning representatives, whether or not they are also accredited Staffside representatives, so that they can be trained to carry out the functions and duties in relation to staff learning and development needs within LPT.

## 1.0 Quick look summary

Please note that this is designed to act as a quick reference guide only and is not intended to replace the need to read the full policy.

### 1.1 Version control and summary of changes

Version number	Date	Comments
1	25/06/12	Harmonisation of former LPT, LCCHS, LCR policies and updated in line with ACAS Revises Code of Practice "Time off for Trade Union Duties and Activities" and section 25 of the Agenda for Changes Terms and Conditions Handbook, Time off and Facilities for trades union Representatives.
2	10/07/12	5.2 removed non membership – removed 6.1 removed bullet that stated mutually agree resignation scheme 8.2 amended wording to state 'Staff-Side will notify the Director of Human Resources and Organisational Development of the allocation of paid "places" at least 5 weeks prior to the conference' Section 7.15 - 7.12 have been transferred from appendix 1. Appendix 1 now removed due to duplication of content. Appendix 2 is now appendix 1.
3	24/07/12	Section 5 – further detail added regarding the Health & Safety reps.
4.	01/2017	Reviewed January 2017 – updated relevant approving committees and policy owner.
5.	30/06/17	Added recognition of Hospital Consultants and Specialists Association following approval at JSCNC and LNC
6.	8/3/2018	Section 9 – number of attendees at national conference extended to include one from each accredited TU/PO and any new reps. Period of notice to attend conference amended to 8 weeks from 5 weeks.
7.	23/4/2021	P4 Updated definitions 2.6 Included GMB in list of recognised unions Replaced JSCNC with LPT SPF throughout and JSCF with Directorate SPF Replaced Agenda for Change with NHS Terms and Conditions throughout Updated ACAS Code of Practice references Updated references to groups and committees to reflect current governance arrangements 5.4 Amended as was not a complete sentence re. role of learning reps 8.5 Amended in relation to approach to be taken to P/T reps.
8.	29/05/24	Update to governance groups and review of policy.

For Further Information Contact: Human Resources [Lpt.hradvisoryteam@nhs.net](mailto:Lpt.hradvisoryteam@nhs.net)

## 1.2 Key individuals involved in developing and consulting on the document

Name	Designation
Claire Taylor	Head of Operational HR
Val Dawson	Unison, Staffside Lead
Jane Lavelle	RCN, Staffside Secretary
Wider Consultation	All LPT Staff Bands 7 and above Trust Policy experts.

## 1.3 Governance

Level 2 or 3 approving delivery group	Level 1 Committee to ratify policy
Strategic Workforce Group	People and Culture Committee

## 1.4 Equality Statement

Leicestershire Partnership NHS Trust (LPT) aims to design and implement policy documents that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account the provisions of the Equality Act 2010 and promotes equal opportunities for all. This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity.

If you would like a copy of this document in any other format, please contact [lpt.corporateaffairs@nhs.net](mailto:lpt.corporateaffairs@nhs.net)

## 1.5 Due Regard

LPT will ensure that due regard for equality is taken and as such will undertake an analysis of equality (assessment of impact) on existing and new policies in line with the Equality Act 2010. This process will help to ensure that:

- Strategies, policies and procedures and services are free from discrimination.
- LPT complies with current equality legislation.
- Due regard is given to equality in decision making and subsequent processes.
- Opportunities for promoting equality are identified.

Please refer to due regard assessment (Appendix 2) of this policy.

## 1.6 Definitions that apply to this policy

<b>Staff Representative</b>	Either a trade union/professional organisation representative or a colleague of the employee (i.e. an employee of the Trust).
<b>Trade union/Professional organisation Representative</b>	An accredited representative of a Trade union / professional organisation recognised by the Trust under its Facilities and Time Off Work etc. agreement.
<b>Staffside</b>	Collective term for trade union/professional organisation

<b>Accreditation</b>	Is given to employees of the Trust who have been duly elected or appointed in accordance with the rules of the respective trade union/professional organisation
<b>LPT SPF</b>	Staff Partnership Forum - the collective consultation and negotiation forum for all staff employed within LPT
<b>Time Off</b>	Reasonable time off with or without pay will be available for Staffside representatives, accredited health and safety representatives and accredited Staffside learning representatives to undertake Staffside activities and duties.
<b>Due Regard</b>	Having <b>due regard</b> for advancing equality involves: <ul style="list-style-type: none"> <li>• Removing or minimising disadvantages suffered by people due to their protected characteristics.</li> <li>• Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.</li> <li>• Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.</li> </ul>

## 2.0 Purpose and Introduction/Why we need this policy

This Policy describes arrangements for the recognition, granting of facilities and time off work for accredited representatives and members of trade unions / professional organisations (Staffside) / health and safety representatives and learning representatives.

All staff should act in accordance with our Trust leadership behaviours for all and be able to evidence adherence in situations that involve trade union and professional organisation (Staffside) recognition, facilities and time off work agreements. A fundamental approach to developing our Leadership behaviours for all is our ability to both give and receive feedback in a positive and insightful way. The feedback method is based on defining; Context, Understanding, Behaviour and Effect (CUBE).

## 3.0 Policy Requirements

- 3.1 Leicestershire Partnership Trust (hereafter referred to as "LPT") is committed to the principles of partnership working and staff involvement. Partnership underpins and facilitates the development of sound and effective employee relations throughout the Trust. The Trust recognises that the participation of trade union and professional organisation representatives in the partnership process can contribute to delivering improved services to patients and service users.
- 3.2 This agreement covers arrangements for the recognition, granting of facilities and time off work for:
- Accredited representatives and members of trade unions/ professional organisations (Staffside), which are recognised by LPT.
  - Health and safety representatives, whether or not they are also accredited Staffside representatives, so that they can be trained to carry out the functions and duties in relation to health and safety at work within LPT.
  - Staffside Learning representatives, whether or not they are also accredited Staffside representatives, so that they can be trained to carry out the functions and duties in relation to staff learning and development needs within LPT.

- 3.3 This agreement takes account of the ACAS Code of Practice on time off for trade union duties and activities (1 January 2010) Trade Union and Section 25 of the NHS Terms and Conditions of Service Handbook - Time off and facilities for trade union representatives.
- 3.4 This Agreement is made between LPT and the following organisations:
- British Dietetic Association (BDA)
  - British Medical Association (BMA)
  - Chartered Society of Physiotherapy (CSP)
  - Federation of Clinical Scientists
  - General Municipal Boilermakers and Allied Trade union (GMB)
  - Royal College of Nursing (RCN)
  - Royal College of Podiatry (RCPod)
  - The Professional Trade Union for Prison, Correctional and Secure Psychiatric Workers (POA)
  - UNISON
  - UNITE (The Union)
  - Hospital Consultants and Specialists Association (HCSA)
  - Any other trade unions or professional organisation with paid up members within the Trust.
- 3.5 The agreement is valid with each organisation listed above, provided that there is paid-up membership within LPT.
- 3.6 The agreement is also valid with any organisation listed above where, despite there being no paid up membership, LPT is developing new services or changing services which would affect paid-up members of that organisation.

## **4.0 Duties within the Organisation**

- 4.1 The Trust Board has a legal responsibility for this policy.
- 4.2 The Strategic Workforce Group has the responsibility for adopting this policy.
- 4.3 The Director of Human Resources and Organisational Development has a responsibility to ensure applications for Staffside accreditations are vetted and responded to appropriately.
- 4.4 Managers will be responsible for ensuring that reasonable time off is approved for accredited staff side representative where it does not cause detriment to service delivery.
- 4.5 The Human Resources Advisory team will be responsible for:
- Updating this policy and procedure in light of any changes e.g. changes in legislation.
  - Discussing any issues relating to the implementation of this policy with LPT Staff Partnership Forum.
- 4.6 Staffside Representatives are responsible for:
- Ensuring they apply for accreditation for their representatives.
  - Providing written credentials for their line managers.

- Providing monthly logs of duties/activities undertaken.

## 5.0 Recognition

- 5.1 LPT is committed to partnership working between Staffside and management. It will engage Staffside at the earliest possible stage so that they can influence decisions and be partners in shared learning and problem solving with management.
- 5.2 All parties to this Agreement are committed to the development and maintenance of a framework for sound employee relations. To this end, it is considered to be mutually beneficial for employees to be represented by Staffside.
- 5.3 LPT recognises that Staffside have sole rights to participate in LPT's Staff Partnership Forum, Local Negotiation Committee (LNC) and the Directorate Staff Partnership Forums within Clinical Directorates. LPT also recognises the legitimate function of Staffside accredited representatives, who will be employees of LPT and full-time officers to represent the interests of their members in the workplace.
- 5.4 Accreditation will only be given to employees of the organisation who have been duly elected or appointed in accordance with the rules of the respective trade union/professional organisation.
- 5.5 Accredited representatives of trade unions/professional will:
  - Abide by the rules of their trade union/professional organisation and the policies and procedures of LPT.
  - Represent their members on matters that are of concern to LPT and/or its employees.
- 5.6 Recognition of any Trade union/professional organisation is subject to its continuing to have paid-up membership amongst staff employed by LPT, with the exception as detailed in para 4.6 above.
- 5.7 Any trade union/professional organisation that ceases to have paid-up membership within LPT will cease to be party to this Agreement. The Director of Human Resources and Organisational Development will be informed in writing by the relevant Full Time Officer where membership has lapsed. Recognition will be reinstated by the Director of Human Resources and Organisational Development upon verification of membership within LPT. Similarly, trade union/professional organisations who seek recognition for the first time and who are able to demonstrate paid-up membership within LPT will need to write to the Director of Human Resources and Organisational Development to be awarded recognition.
- 5.8 It will be for the relevant trade union/professional organisation to discuss and agree with LPT an appropriate number of representatives. Local discussions should have regard to the size and location of the unions/professional organisations membership and the expected workload associated with the role. The unions/professional organisations may be required to issue written credentials and notify the human resources department of the number and location of work groups for which each representative will be responsible.



- 5.9 Each of the recognised Staffside organisations will advise the Director of Human Resources and Organisational Development of the election/appointment of each of its accredited representatives and will provide the following information:
- Name of trade union/professional organisation
  - Name and designation
  - Workplace/base
  - Representative constituency (i.e. the employment group which the representative is to represent)
  - Dates of commencement and expiry of accreditation
  - Name of representative being replaced (if applicable), and effective date of replacement.
- 5.10 Staffside will also advise management immediately when a recognised representative ceases, or gives notice of intention to cease, to be an accredited representative.
- 5.12 To be recognised by LPT, accredited representatives will be employees of the Trust and recognition will expire upon the termination of employment.
- 5.13 Staffside representatives will not have defined 'constituencies' but it is in the best interests of both LPT and Staffside to encourage local representation. LPT may review recognition if the representative changes job, base or function.
- 5.14 LPT's Director of Human Resources and Organisational Development will co-ordinate arrangements for the recognition of representatives on behalf of the Trust. S/he will maintain a register of recognised representatives and will ensure that relevant managers are consulted prior to recognition being afforded.
- 5.15 Each Staffside organisation will provide their representative(s) with written credentials, which should be presented as proof of accreditation if requested by a manager of the Trust.
- 5.16 To the extent that rules and circumstances permit, Staffside will ensure that accredited representatives are employees whose employment and/or representative experience adequately enables them to effectively perform their representative functions. The Trust reserves the right to raise with Staffside any specific objections to the accreditation of a particular representative and in exceptional cases to withhold recognition where it believes that recognition would seriously inhibit the delivery of services to patients.

## 6.0 Representation

- 6.1 LPT recognises that Staffside representatives have an important role in the management of employee relations, in addition to their duties and activities as employees of the Trust. To this end LPT undertakes to recognise and accredit Staffside representatives and provide facilities and time off for them.
- 6.2 Staffside representative's duties and activities may include:
- Negotiation and/or consultation on matters relating to terms and conditions of employment or agreed partnership processes – examples include:
    - terms and conditions of employment
    - engagement or termination of employment

- allocation of work
- conduct/disciplinary issues
- grievances and disputes
- union membership
- facilities for trades union representatives
- machinery for negotiation or consultation or other procedures.
- Meetings with members
- Meetings with other lay officials or full time officers
- Appearing on behalf of members before internal or external bodies
- All joint policy implementation and partnership working
- Other matters relating to employee relations and partnership working
- Participating in LPT's agreed consultative and negotiating machinery
- Participating in approved training necessary for the effective performance of their representative functions
- Mentoring other Staffside representatives and being mentored
- Any administrative work with respect to Staffside duties
- Attending staff support networks as required.

6.3 Health and safety representatives, whether or not they are also accredited to act as Staffside representatives, will be regarded as performing duties when they:

- Represent employees, in consultation with management, in the promotion and development of staff health and safety measures and in checking their effectiveness
- Investigate potential hazards and dangerous occurrences within the workplace and examine the causes of accidents in the workplace
- Investigate complaints from employees represented relating to their health, safety and welfare in the workplace
- Carry out health and safety inspections
- Represent employees in consultations in the workplace with Health and Safety Executive representatives or the representatives of any other enforcing authority
- Attend meetings of health and safety committees of which the representative is a member or to which management have invited attendance
- However, the employer is not expected to disclose information if:
  - a. It violates a legal prohibition
  - b. It could endanger national security
  - c. It relates specifically to an individual without their consent
  - d. It could harm substantially the business of the employer or infringe commercial security
  - e. It was obtained in connection with legal proceedings.

6.4 Staffside learning representatives are accredited by their trade union/professional organisation to support the Trust in identifying learning needs of members. Representatives also have the right to reasonable paid time off for undertaking these duties and for relevant training.

## 7.0 Consultation

7.1 A key principle in this agreement is that management will instigate meaningful consultation where changes in services affect staff. The passing on or sharing of information will not be regarded as meaningful consultation. Meaningful

consultation must involve affected parties and give them an opportunity to influence decisions and their application.

- 7.2 Matters for consultation should include strategic planning decisions, decisions about the allocation of resources which have staffing implications, the development of or changes to LPT policies and procedures (especially policies and procedures likely to affect staff); changes to services, especially where decisions are likely to affect the job prospects or security of particular groups of staff.
- 7.3 LPT and Staffside will establish and maintain a Staff Partnership Forum (hereafter called the LPT SPF) which will be the collective consultation and negotiation forum for all staff employed within LPT. The constitution of and administrative arrangements for the Staff Partnership Forum are detailed in the agreed Terms of Reference.
- 7.4 The LPT SPF will provide:-
- A central forum through which LPT can consult staff representatives on a range of issues
  - An opportunity for Staffside to comment on and influence the business of LPT
  - A Forum to discuss other issues relevant to the general well-being of LPT's staff.

## 8.0 Negotiation

### 8.1 Scope of Collective Bargaining

LPT SPF will be responsible for local collective negotiation on matters such as:

- Local recruitment and retention premia
- Locally agreed reimbursement for business travel beyond those nationally agreed
- Locally agreed reimbursement for subsistence allowance beyond those nationally agreed
- Time off and facilities.

## 9.0 Time Off for Staffside Duties and Activities

- 9.1 Subject to the needs of the service and adequate notification, accredited representatives should be permitted paid time off, including time to prepare for meetings and disseminate information and outcomes to members during working hours, to carry out Staffside duties.
- 9.2 Reasonable time off **with** pay will be granted, subject to the conditions and arrangements set out below to accredited Staffside representatives, to accredited health and safety representatives, and accredited learning representatives to undertake the duties detailed in this policy. Duties include, for example, meeting with members, attending meetings to represent members, taking part in the Trust consultation processes, attending Staffside internal meetings.
- 9.3 Reasonable time off **without** pay will be accredited to Staffside representatives, to accredited health and safety representatives and accredited learning representatives to undertake Staffside activities in addition to the paid leave included as detailed in this policy and subject also to the relevant conditions and arrangements. Activities include, for example, attending branch, area or regional

meetings, attending meetings of official policy making bodies such as the executive committee.

- 9.4 The expectation is that it is good practice that staff representatives should indicate the general nature of the business for which time off is required and where they can be contacted if required. Requests should be made as far in advance as possible, as is reasonable in the circumstances. Wherever possible the representatives should indicate the anticipated period of absence. The expectation is that requests for paid time off for trade union representatives will not be unreasonably refused.
- 9.5 Whilst there is no entitlement to pay or time off in lieu if the duties are performed at a time when the representative would not otherwise have been at work, LPT recognises the disproportionate burden this may place on representatives who work part-time hours. In such cases, the individual's manager and the Staffside Lead will closely monitor the workload for part-time representatives.
- 9.6 Where Staffside representatives are required to attend meetings with management or at management's request for the purposes of consultation or negotiation, and such meetings are outside of their normal working hours, time off in lieu will be granted. Where time off in lieu cannot be given, then payment for the extra time actually spent at such meetings will be made in accordance with the terms of their contracts of employment.
- 9.7 Wherever possible, special arrangements will be made to accommodate representatives who work unsocial hours, especially night shift workers, who are required to perform duties or undertake training outside of their normal working hours. Such arrangements will be made between the representatives and their managers and may include exchanging shifts with other employees, release for up to one shift before or following the period undertaking the duties/training, or time off in lieu equivalent to the time actually spent on the duties at a future mutually acceptable date.
- 9.8 When making requests for time off, representatives will indicate the nature of the business, where it is to be transacted and how long it is likely to take. Where any of these factors are likely to change, fresh approval to the revised arrangements must be sought.
- 9.9 Representatives will not unduly or unnecessarily prolong the time they are absent from work on duties or activities.
- 9.10 Representatives will, before undertaking duties and activities at a workplace other than the one at which they are employed, adhere to all relevant 'signing-in' procedures.
- 9.11 Where such meetings will involve a large proportion of staff in a department or in the workplace at one time, representatives will make every effort to time the meetings to minimise the effect on services or productivity, e.g. towards the end of a shift or working week, or just before or after a meal break. In any event, Staffside agree to leave at work such members as are necessary to maintain essential services and safety.
- 9.12 Where meetings covered in 9.11 are held during normal working hours:

- The prior permission of management must be obtained.
- All staff on duty who wish to attend must obtain their managers specific approval to the necessary time off.

- 9.13 Paid time off will not be agreed for any representative's duties or for their members activities, which is classed as industrial action. Where the representative is not part of the group taking action but is merely representing them, or is representing a group affected by industrial action, normal time off and facilities will apply.
- 9.14 LPT recognises the positive benefits that participation in some Staffside activities can bring. Limited time off with pay will be granted to enable Staffside representatives to participate in certain Staffside activities e.g. taking part as a representative in meetings of official policy-making bodies of the trade union/professional organisation (e.g. Executive Committees). Other examples may include attendance at national, regional, local meetings which have a membership wider than the employees of LPT. Travelling expenses incurred will not be payable by the Trust.
- 9.15 The amount of paid time off will be determined by the Director of Human Resources and Organisational Development in negotiation with the representative and their line manager and will be broadly based on the size of membership within LPT.
- 9.16 There is an expectation that representatives taking part in such activities and being granted time off with pay will provide feedback to the LPT and directorate SPFs.
- 9.17 Members of recognised Staffside organisations will be permitted to take reasonable time off during working hours to participate in such activities both with pay and without pay.

## 10.0 Annual National Conferences

- 10.1 LPT will, subject to the conditions and arrangements set out in section 7, allow time-off with pay for one accredited representative from each recognised Staffside organisation to attend annual national conferences. LPT will, in addition, allow time-off for any newly accredited representatives to attend. Paid leave will be limited to the duration of the conference or 4 calendar days, whichever is the shorter period.
- 10.2 Staffside representatives will liaise with their line manager to confirm they can be supported to attend no less than 8 weeks prior to the conference. They will also send the Director of Human Resources and Organisational Development details of attendance and will provide such information as is necessary to clarify/confirm timing and duration of conferences.
- 10.3 **Circumstances when time off may be refused**  
Time off may be refused for either Staffside representatives or members when:
- Staffside have provided unreasonable notice periods on behalf of the representatives
  - Activities do not fall within any of the categories in paragraphs detailed in this policy
  - Activities are not authorised by the union or professional organisation
  - There is a significant detriment to service provision.

## 11.0 Training for Staffside Representatives

- 11.1 LPT recognises that Staffside representatives will carry out their duties effectively if they possess the skills and knowledge relevant to those duties.
- 11.2 Staffside organisations acknowledge their responsibility for ensuring the adequate briefing and training of their accredited representatives concerning their duties, the rules and practices of their Staffside organisation, appropriate NHS /medical Terms and Conditions and LPT agreements, relevant legislation and general procedures and practice in employee relations.
- 11.3 LPT will however, include representatives in appropriate training undertaken within the Trust where it is agreed that such training would assist in the effective performance of their Staffside duties. Consideration will also be given to arrangements whereby employee relations training could be undertaken jointly.
- 11.4 Accredited Staffside representatives should be given adequate time off to allow them to attend trade union/professional organisation approved training courses or events. Time off should not be regarded as automatic, as employers have responsibilities to take account of the needs of service delivery. However, the expectation is that requests for paid time off to attend training courses should not be unreasonably refused as long as locally agreed processes are followed.
- 11.5 Reasonable time off with pay will be afforded to recognised accredited Staffside representatives provided that:
- It is relevant to their duties as detailed in this agreement, and
  - The course has been approved by the T.U.C. or by their Staffside organisation and
  - It is reasonable for the representative to be granted time off for such training.
- 11.6 Responsibility for the costs of fees and expenses connected with representatives training rests with the relevant Staffside organisation.
- 11.7 Requests for time off for training will be made to the appropriate line manager in writing and the representative will complete and submit a Study Leave Application form. Staffside organisations agree to provide any relevant syllabus or prospectus indicating training content and confirming that the course is approved as required above. Where any problems arise concerning the approval of requests for time-off for training, the manager will seek advice from Human Resources.
- 11.8 Except in exceptional circumstances, Staffside will give at least 6 weeks' notice wherever possible of the need to take leave for such training to enable rotas to be adjusted and service continuity to be assured.
- 11.9 Paid time off for training will be limited to a maximum of 10 days for the initial year of accreditation and 5 days thereafter for each representative. In exceptional circumstances additional paid time off will be granted for representatives who have exhausted their entitlement for training events agreed by the Trust as being vital for effective partnership working.
- 11.10 Pay will be either the amount that the representative would have earned during the time taken, or where earnings vary with the work done, an amount calculated by reference to average hourly earnings for the work he/she is employed to do.

11.11 Reasonable paid time off will be granted for staff who are undertaking training to become Staffside representatives (e.g. stewardship training). The amount will vary based on the duration of the training.

## **12.0 Facilities for Staffside Representatives**

12.1 LPT will endeavour to provide recognised accredited representatives with the following facilities to aid the effective performance of their duties:

### **12.1.1 Access to Notice Boards**

- a. A notice board will be provided for exclusive Staffside use at each of LPT's establishments. Additional notice-board space will be at the discretion of the manager responsible for the establishment.
- b. No notices will be displayed other than on the notice board provided without the prior express consent of the manager responsible for the establishment.
- c. LPT reserves the right to challenge the propriety of a notice and on giving reasons to the Staffside Secretary may remove it.

### **12.1.2 Access to Trust Accommodation**

- a. Accredited Staffside representatives visiting offices other than their base in the performance of their Staffside duties will make prior arrangements to do so with the appropriate manager and will inform them of their arrival at the workplace.
- b. Staffside organisations will, where available and practicable, be given access to accommodation on Trust premises for meetings of recognised accredited representatives. Such accommodation will be provided without charge except that normal charging arrangements may apply in respect of beverages and food etc.
- c. Subject to at least two weeks' notice being provided and subject to availability, the Trust will permit the use of suitable accommodation for Staffside organisations branch, educational or professional meetings. Such meetings will normally be held outside of normal working hours. Accommodation will be provided without charge except that normal charging arrangements may apply in respect of beverages and food etc.

### **12.1.3 Access to Other Facilities**

Accredited Staffside representatives will, upon confirmation of recognition, have access to the following:

- Access to appropriate private accommodation, with storage facilities for documentation, appropriate administrative facilities and access to meeting rooms
- Access to internal and external telephones with due regard given for the need for privacy and confidentiality
- Access to appropriate internal and external mail systems
- Appropriate access to the employer's intranet and email systems
- Access to appropriate computer facilities
- Access for staff representatives to all joint documents relating to the local partnership process.

## **13.0 Resolution of Differences**

In the event of there being a failure to reach agreement on certain items for negotiation within the LPT SPF, it is agreed that the matter will be handled in accordance with LPT's

Dispute Resolution Policy. These matters may also be referred to ACAS for conciliation by either party.

## 14.0 Disclosure Information

LPT will comply with the ACAS Code of Practice on disclosure of information to trade unions for collective bargaining purposes.

## 15.0 Interpretation, Variation, Review and Termination

- a. Any disagreement as to the interpretation of this agreement will be referred in the first instance to the Chair and Vice Chair of the LPT SPF. In the event of continuing disagreement, the matter will be referred to the full LPT SPF. Thereafter, disagreement will be handled as detailed above.
- b. Either side may terminate this agreement by giving of 6 months' notice through the LPT SPF, or by agreement of both sides to its termination at any time.

This agreement is not intended to be legally binding but, as an agreement freely entered into by all parties, it is meant to be morally binding.

## 16.0 Monitoring Compliance and Effectiveness

Page / Section	Minimum Requirements to monitor	Method for Monitoring	Responsible Individual /Group	Frequency of monitoring
	Assurance that accredited Staffside representatives accreditation is valid	Annual review of accreditation status of Staffside representatives	LPT SPF	Annually

## 17.0 Dissemination and Implementation

The policy is approved by the Leicestershire Partnership NHS Trust Strategic Workforce Group and is accepted as a Trust wide policy. This policy will be disseminated immediately throughout the Trust following adoption.

The dissemination and implementation process is:

- Line-Managers will convey the contents of this policy to their staff
- Staff will be made aware of this policy using existing staff newsletters and Team briefings
- The policy will be published and made available on Staffnet.



## 18.0 Links to Standards/Performance Indicators

TARGET/STANDARDS	KEY PERFORMANCE INDICATOR
Care Quality Commission Relevant standards (Good Governance) Supporting Workers (21) of the Health & Social Care Act (2008) (Regulated Activities Regulations 2010)	That the trust maintains compliance with CQC relevant standards, this policy supports outcome Good Governance.

## 19.0 References and Bibliography

This policy was drafted with reference to the following:

- ACAS Code of Practice on time off for trade union duties and activities (1 January 2010) Section 25 NHS Terms and Conditions of Service Handbook - Time off and facilities for trades union representatives
- LPT will comply with the ACAS Code of Practice on disclosure of information to trade unions for collective bargaining purposes. (27 April 2003)
- The Safety Representatives and Safety Committee Regulations, 1977
- The Health and Safety (Consultation with Employees), Regulations, 1996 (as amended).

## 20.0 Training Needs

There is no training requirement identified within this policy. Managers will be made aware of the requirements as and when they have staff representatives accredited within their area.

## 21.0 Fraud, Bribery and Corruption consideration

The Trust has a zero-tolerance approach to fraud, bribery and corruption in all areas of our work and it is important that this is reflected through all policies and procedures to mitigate these risks.

Fraud relates to a dishonest representation, failure to disclose information or abuse of position in order to make a gain or cause a loss. Bribery involves the giving or receiving of gifts or money in return for improper performance. Corruption relates to dishonest or fraudulent conduct by those in power.

Any procedure incurring costs or fees or involving the procurement or provision of goods or service, may be susceptible to fraud, bribery, or corruption so provision should be made within the policy to safeguard against these.


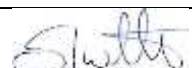
If there is a potential that the policy being written, amended or updated controls a procedure for which there is a potential of fraud, bribery, or corruption to occur you should contact the Trusts Local Counter Fraud Specialist (LCFS) for assistance.

## Appendix 1 The NHS Constitution


- The NHS will provide a universal service for all based on clinical need, not ability to pay.
- The NHS will provide a comprehensive range of services.

<b>Shape its services around the needs and preferences of individual patients, their families and their carers</b>	Yes
<b>Respond to different needs of different sectors of the population</b>	Yes
<b>Work continuously to improve quality services and to minimise errors</b>	Yes
<b>Support and value its staff</b>	Yes
<b>Work together with others to ensure a seamless service for patients</b>	Yes
<b>Help keep people healthy and work to reduce health inequalities</b>	Yes
<b>Respect the confidentiality of individual patients and provide open access to information about services, treatment and performance</b>	Yes

## Appendix 2 Due Regard Screening Template

Section 1			
Name of activity/proposal		TU/PO Time Off Facilities and Recognition	
Date Screening commenced		May 2024	
Directorate / Service carrying out the assessment		Enabling	
Name and role of person undertaking this Due Regard (Equality Analysis)		Claire Taylor, Head of Operational HR	
Give an overview of the aims, objectives and purpose of the proposal:			
<b>AIMS:</b> To enable recognition of trade union and professional organisation representatives and to enable them to have appropriate time off and facilities in line with legislation.			
<b>OBJECTIVES:</b> To provide a clear framework for recognition and processes for allowing time off and facilities.			
Section 2			
Protected Characteristic	If the proposal/s have a positive or negative impact please give brief details		
Age	N/A		
Disability	N/A		
Gender reassignment	N/A		
Marriage & Civil Partnership	N/A		
Pregnancy & Maternity	N/A		
Race	N/A		
Religion and Belief	N/A		
Sex	N/A		
Sexual Orientation	N/A		
Other equality groups?	N/A		
Section 3			
Does this activity propose major changes in terms of scale or significance for LPT? For example, is there a clear indication that, although the proposal is minor it is likely to have a major affect for people from an equality group/s? Please tick appropriate box below.			
Yes		No	
High risk: Complete a full EIA starting click <a href="#">here</a> to proceed to Part B		Low risk: Go to Section 4. ✓	
Section 4			
If this proposal is low risk please give evidence or justification for how you reached this decision:			
Signed by reviewer/assessor		Date	28/05/2024
<i>Sign off that this proposal is low risk and does not require a full Equality Analysis</i>			
Head of Service Signed		Date	29/05/2024

## Appendix 3 Data Privacy Impact Assessment Screening

<p>Data Privacy impact assessment (DPIAs) are a tool which can help organisations identify the most effective way to comply with their data protection obligations and meet Individual's expectations of privacy.</p> <p>The following screening questions will help the Trust determine if there are any privacy issues associated with the implementation of the Policy. Answering 'yes' to any of these questions is an indication that a DPIA may be a useful exercise. An explanation for the answers will assist with the determination as to whether a full DPIA is required which will require senior management support, at this stage the Head of Data Privacy must be involved.</p>		
<b>Name of Document:</b>	<b>Trade Union and Professional Organisation Recognition, Facilities and Time Off Work Agreement</b>	
<b>Completed by:</b>	<b>Claire Taylor</b>	
<b>Job title</b>	<b>Head of Operational HR</b>	<b>Date: 29/5/2024</b>
<b>Screening Questions</b>	<b>Yes / No</b>	<b>Explanatory Note</b>
1. Will the process described in the document involve the collection of new information about individuals? This is information in excess of what is required to carry out the process described within the document.	<b>No</b>	
2. Will the process described in the document compel individuals to provide information about them? This is information in excess of what is required to carry out the process described within the document.	<b>No</b>	
3. Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information as part of the process described in this document?	<b>No</b>	
4. Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?	<b>No</b>	
5. Does the process outlined in this document involve the use of new technology which might be perceived as being privacy intrusive? For example, the use of biometrics.	<b>No</b>	
6. Will the process outlined in this document result in decisions being made or action taken against individuals in ways which can have a significant impact on them?	<b>No</b>	
7. As part of the process outlined in this document, is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For examples, health records, criminal records or other information that people would consider to be particularly private.	<b>No</b>	
8. Will the process require you to contact individuals in ways which they may find intrusive?	<b>No</b>	
<p><b>If the answer to any of these questions is 'Yes' please contact the Data Privacy Team via <a href="mailto:Lpt-dataprivacy@leicspart.secure.nhs.uk">Lpt-dataprivacy@leicspart.secure.nhs.uk</a></b>  <b>In this case, ratification of a procedural document will not take place until review by the Head of Data Privacy.</b></p>		
<b>Data Privacy approval name:</b>	 <b>Hannah Plowright</b>	
<b>Date of approval</b>	<b>11th June 2024</b>	

Acknowledgement: This is based on the work of Princess Alexandra Hospital NHS Trust