**Reporting and Recording Trade Union Representatives and associated Paid Time Off**

NHSBT is committed to working in partnership with its employees, and recognised trade unions. The expectation is that line managers will work with representatives locally to facilitate and implement partnership working adopting a positive response whenever possible to requests from representatives for paid time off during their normal working hours - where reasonable notice has been provided. There are positive benefits for NHSBT in encouraging the efficient performance of union representatives work. In order to perform effectively, union representatives need to have reasonable paid time off from their normal job.

Both managers and representatives should bear in mind the need to provide as much notice as possible when arranging meetings, although it is recognised that there will be some urgent issues which may require a more immediate response.

Regular committee meetings should be scheduled well in advance as some teams/departments organise rotas 8 weeks in advance. Meetings to represent members or urgent operational matters are likely to have less notice and representatives will liaise with their manager and if necessary involve HR on time release discussion.

There may be occasions where service or operational needs may prevent release for paid time off, but the expectation is that we seek to minimise these as much as possible. Consideration of an alternative representative (from the appropriate Union) is encouraged to progress partnership working if release in a particular circumstance is challenging.

This guidance incorporates the process for notification of trade union representatives both upon and ceasing accreditation and the recording and reporting processes for paid time off.

**Reference and Background Documentation**

**Working in Partnership Agreement and Framework**

The “Working in Partnership Agreement and Framework” agreement sets out the consultative framework through which a partnership approach to joint working will be achieved and details the agreed principles, approach and behaviour of all parties concerned. This framework applies to Trade Union Representatives, Learning Representatives and Health and Safety Representatives. Section 5.2.5 of the framework places a requirement on representatives to keep an accurate record of time spent on union duties or activities to enable an annual review by the NHSBT Staff Partnership Committee. Section 5.3 provides the detail agreed within NHSBT to facilitate reasonable paid time off from the workplace for accredited representatives for trade union work and to attend appropriate training. NHSBT recognises the value of the partnership approach but it is also important to recognise that this is also a legal requirement of us referenced in Section 168 TULCRA 1992 and the Employment Act 2002.

**Trade Union (Facility Time Publication Requirements) Regulations 2017**

This guidance document specifically addresses our legal obligations arising from the “Trade Union (Facility Time Publication Requirements) Regulations 2017” to annually report paid time off for trade unions on our website and in our annual accounts by 31st July each year. The data reported refers to the previous financial year, so in July we are reporting on paid time off during the previous financial period i.e.1 April – 31 March. (Any trade union related activities undertaken outside of paid employment are not reported.)

**Notification of Trade Union Representatives**

It’s recognised that each trade union has their own process for election of representatives and the subsequent training and accreditation process and this is not affected by the process of notification to NHSBT. It’s important for us to have a good understanding of who we have available to support with our partnership working and we would ask therefore that all unions communicate both new representatives and those who are ceasing duties via our HR Direct team (detailed process attached) The contact details for this are

Telephone: 0117 322 7700

Postal Address: NHSBT Filton Centre, 500 North Bristol Park, Northway, Filton, Bristol, BS34 7QH

On-line Form : https://nhsbt.service-now.com/sp?id=people\_services

Email: HRDirect@nhsbt.nhs.uk

The expectation is that representatives are supported by their line manager to facilitate our partnership agreement at both a local and national level. It’s important we meet our service and operational needs so to facilitate this, we expect line managers on receipt of a notification of a new representative to hold a discussion with the individual to consider the approach for requesting and agreeing paid time and any impact, for example:

* Any routine requests – regular meetings/events
* Any normal or minimum notice periods required
* Service and Operational impact considerations – to enable discussion on how these may be mitigated.

**Maintaining Central Records**

NHSBT will hold a central record of the representatives by union and this information will be made available to the relevant National SPC Representatives annually for validation and update to ensure complete and accurate records are maintained.

Representatives with part year accreditation are included in the relevant year’s report, irrespective of when in that year they undertook their role. Any time an employee spent on facility time should be counted when calculating the percentage of time and percentage of the pay bill for the overall facility time figure.

If TU representatives change during a year this may mean that the number of employees who were TU officials during the relevant year is greater than the number of TU officials in the role at any one time. We are required to report the total number of employees who were a relevant official in the year (rather than monthly average), regardless of who becomes and who steps down as a union official.

**Recording Paid Time for Trade Union Work**

Given the legal requirements placed upon NHSBT to provide reasonable paid time off and to report it, it is important that all representatives maintain accurate records of the trade union work they undertake during paid time.

Representatives are responsible for entering and submitting their own trade union hours worked. I.e. union work undertaken, which is during paid time and away from their normal workplace, via a separate login in EASY. Representatives are encouraged to input hours monthly and ideally within two months, particularly at year end to enable reporting of data within the published timetable.

EASY provides a retrospective recording mechanism of time spent on union duties and does not replace the local arrangements in place for agreement to paid time off for trade union work. (Specific guidance for this is available –link)

The time worked is reported hours (rounded to the nearest half an hour). Travel time, if paid, should be included as hours worked.

**Categories and definition of Trade Union Duties for recording/reporting via EASY**

Learning Representatives

There are specific representatives trained as learning representatives. Work undertaken by these representatives on behalf of NHSBT should be reported as Learning Representative duties.

Health and Safety Functions

There are specific representatives trained to support health and safety related union work. Work undertaken by these representatives on behalf of NHSBT should be reported as Health and Safety functions.

Trade Union Duties

Trade Union representatives and learning representatives trade union duties include (but not exclusively):

* Case work (preparation, meetings with line managers or members regarding specific case)
* Panel Meetings
* Collective change consultation meetings and preparation
* Individual 1-2-1 meetings as part of change consultation
* Trade union training
* Accompanying an employee to a hearing
* NHSBT Partnership Meetings e.g. Directorate SPCs

Partnership working

The view of the staff side of the NHS Staff Council is that partnership time should not automatically be considered as facility time and therefore need not always be included in the reporting of trade union duties. Their view is that Partnership time covers paid time spent by trade union representatives engaged in work that is distinct from member representation, consultation and negotiation, and is primarily a corporate benefit to the employer. This is because it gives them access to the representative’s skills and expertise in functions that go beyond their representative role. Examples include (but not limited to):

* serving on job matching or evaluation panels
* contributing to staff training events
* taking part in policy development or service improvement projects
* acting in a corporate role such as board member, trustee, staff governor or employee director

Trade Union Activities

TU activities include:

* meetings - where the purpose or principal purpose is to discuss internal union matters
* TU conferences including representing TU as delegates e.g. TUC Congress
* internal administration of the union e.g. answering internal union correspondence, dealing with financial matters, responding to internal surveys.

There is no statutory entitlement to paid time off to undertake activities, however NHSBT does enable reasonable time off to participate in trade union activities and where these coincide with normal working days, they may be paid but must then be reported as such via EASY using the trade union activity category.

**Reporting Data**

**NHSBT Internal Reporting**

Six-monthly data reports will be reviewed centrally by NHSBT SPC to allow time for data to be checked to ensure we can publish robust, complete data each year.

Each Joint Officer will receive a copy of the data for their relevant union and are encouraged to raise any questions which arise from this with representatives directly or with the Associate People Director, as appropriate to enable any necessary and relevant monitoring, analysis and amendments to be made prior to publication.

**Cabinet Office Reporting**

NHSBT must publish the following information for each year, by 31 July each year.

* Number of employees who were relevant union officials
* How many employees who were relevant union officials spent a) 0%, b) 1 – 50%, c) 51-99% or d) 100% of their working hours on facility time
* Percentage of the total pay bill spent on facility time
* Time spent on paid trade union activities as a percentage of total paid facility time hours

This information is published on the Government website, NHSBT’s corporate website, and facility time data is also included in the Annual Report for that year.

The link for the websites are below

Government:

NHSBT:

**Approval and Review**

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