# Trust Partnership Agreement

## Policy and Agreement

<table>
<thead>
<tr>
<th>Reference Number:</th>
<th>134</th>
</tr>
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</table>
| Author & Title:   | Sue Smith  
Sue Smith  
Deputy Director of Human Resources |
| Responsible Director: | Claire Buchanan  
Claire Buchanan  
Director of Human Resources |
| Review Date:      | 16 October 2018 |
| Ratified by:      | Strategic Workforce Committee |
| Date Ratified:    | 16 October 2015 |
| Version:          | 2.0 |

### Related Policies and Guidelines
- Appeals
- Bullying & Harassment
- Code of Expectations
- Conduct
- Capability
- Grievance
- Organisational Change
- Supporting Attendance

Document name: Trust Partnership Agreement
Ref.: 134
Issue date: 02 November 2015
Status: Final
Author: Sue Smith – Deputy of Human Resources
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Amendment History

<table>
<thead>
<tr>
<th>Issue</th>
<th>Status</th>
<th>Date</th>
<th>Reason for Change</th>
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<tr>
<td>1.0</td>
<td>Final</td>
<td>26.09.2007</td>
<td>New Policy</td>
<td>Management Board</td>
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<td>2.0</td>
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<td>19.10.2015</td>
<td>Full Review</td>
<td>Strategic Workforce Committee</td>
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Document name: Trust Partnership Agreement
Issue date: 02 November 2015
Author: Sue Smith – Deputy of Human Resources
1. Policy Summary

1.1 This Agreement covers the arrangements for granting facilities and paid time during contractual hours for accredited representatives of unions and professional organisations which are recognised by the Trust.

1.2 The Trust is committed to partnership working and staff involvement and recognises the benefits of ensuring that representatives are trained and knowledgeable.

1.3 This Agreement is intended to accord with the principles contained in Section 25 of the Agenda for Change Handbook and the ACAS Code of Practice - Time off for Trade Union Activities, January 2010.

2. Purpose

2.1 The purpose of this Agreement is to ensure the common objective of

- Maintaining good and positive employee relations through joint consultation and negotiation on a Trust-wide basis.
- Continuous development and strengthening of partnership working.
- Facilitating the efficient operation and development of the Trust in the best interests of its employees and patients.

The Partnership Framework currently in operation within the Trust is outlined in Appendix 1.

3. Definition of Terms Used

<table>
<thead>
<tr>
<th>Staff Side</th>
<th>Trades Union Congress (TUC) affiliated trade unions or professional bodies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Side Representative</td>
<td>This is a member of staff who has accreditation as a representative of a trade union or professional body recognised by the Trust.</td>
</tr>
<tr>
<td>Full Time Union Officer</td>
<td>This is a Trade Union official who is employed by a trade union or professional body to represent members in the workplace, or groups of workplaces, where the union is recognised for collective bargaining purposes.</td>
</tr>
<tr>
<td>Learning Representative</td>
<td>This is a member of staff who has been appointed by their trade union or professional body to be a learning representative in the workplace.</td>
</tr>
<tr>
<td>Health &amp; Safety Representative</td>
<td>This is a member of staff who has been elected or appointed by their trade union or professional body to be a health and safety representative of the union in the workplace.</td>
</tr>
<tr>
<td>Facilities</td>
<td>Working space, equipment, and time.</td>
</tr>
</tbody>
</table>
4. Duties and Responsibilities

4.1 The amount and frequency of paid time during contractual hours to undertake trade union duties must be reasonable in all circumstances.

4.2 Staff side representatives should be aware of the difficulties and operational requirements that need to be taken into account when seeking or agreeing arrangements for paid time during contractual hours.

4.3 The Trust should bear in mind the difficulties for staff side representatives and members in ensuring effective representation and communications with, for example, shift workers and part-time employees.

4.4 Staff side should:

- Ensure that any representatives are aware of their role, responsibilities and functions.
- Inform the Deputy Director of HR, in writing, as soon as possible of resignations, of any proposed new representatives prior to appointment and before commencement of union duties.
- Ensure that new representatives receive any appropriate written credentials/training promptly.
- Ensure that any new representatives receive training from their representative union before commencing their duties.
- Ensure that they engage with their manager regarding reasonable paid time during contractual hours for union duties in line with the Agreement.
- Be aware of the Working Time Directive and ensure that they work within its parameters.
- Ensure that they consider potential conflict of interest when agreeing to take a case i.e. where the member may be a relative or close working colleague.

4.5 Managers should:

- Communicate effectively with staff side.
- Ensure they are aware of the sections of this Agreement regarding paid and unpaid time (see Section 7).
- Make available to trade union representatives the facilities necessary for them to perform their duties (see section 8).
- Fairly apply the Agreement when agreeing time away from the workplace for staff side representatives.
5. Recognition

5.1 The following staff side and professional organisations are recognised by the Trust:

- British Association of Occupational Therapists
- British Dental Association
- British Medical Association
- British & Irish Orthoptist Society
- Chartered Society of Physiotherapy
- Federation of Clinical Scientists
- General Municipal Boilermakers
- Managers in Partnership
- Royal College of Nursing
- Royal College of Midwives
- Society of Radiographers
- Unison
- Unite

It is recognised that this list may need to be reviewed and amended from time to time.

6. Scope

6.1 The provisions of this Agreement shall apply to accredited representatives of those staff side and professional organisations listed above.

6.2 Accredited representatives will be current employees of the Trust and will normally have had not less than 6 months’ service with the Trust or another health and social care organisation.

6.3 It shall be for staff side to determine an appropriate number of representatives, having regard for the size and location of its membership.

6.4 It will be the responsibility of the appropriate Trade Union Lead to inform the Staff Side Chair of the appointment of any new representatives. The Staff Side Chair is responsible for notifying the Deputy Director of HR in writing of the appointment / replacement of representatives (see section 4.4 of the Agreement).

Having received a written notification of appointment the Deputy Director of HR will inform the appropriate Divisional / Directorate / Head of Department Manager to advise of the appointment, within a reasonable timescale not exceeding 1 month.
6.5 Once confirmation of the appointment has been received by the Staff Side Chair from the Deputy Director of HR, s/he will inform the Trade Union Lead that the new representative may commence duties. It is for the Trade Union Lead to liaise with their representative. No employee shall be entitled to take paid time during contractual hours to undertake staff side duties or training until their appointment has been formally recognised by the Deputy Director of HR. This will normally be done within 1 month, however in exceptional circumstances it may take longer.

6.6 Employees will not be discriminated against during the course of their employment for staff side membership or undertaking activities as a staff side representative.

7. Paid Time for Staff Side Representative Duties

7.1 Subject to the needs of the service and adequate notification, staff side representatives should be permitted paid time during contractual work hours, including time to prepare for meetings and disseminate information and outcomes to members, to carry out duties that are concerned with any aspect of the following:

- Negotiation and/or consultation on matters relating to:
  - Terms and conditions of employment
  - Engagement or termination of employment
  - Allocation of work
  - Disciplinary matters
  - Grievances and disputes
  - Union membership
  - Facilities for staff side representatives
  - Partnership framework in support of negotiation, consultation or other procedures (Appendix 1).

- Meetings with members
- Meetings with other lay officials e.g. ACAS or full time Trade union officers
- Appearing on behalf of members before internal and external bodies
- All policy implementation and partnership working
- Agenda for Change matching and consistency checking panels
- Other matters relating to employee relations and partnership working
8. Facilities

8.1 The Trust will provide the following facilities to staff side for the purposes of their official roles as staff side representatives:

- Access to appropriate accommodation for meetings and, where possible, secure storage for files and records.
- Staff side information to be available at Inductions.
- Facilities for the deduction of staff side subscriptions from employee salaries.
- Access to internal and external telephones for the use in staff side activity with due regard given for the need for confidentiality.
- The provision of notice boards.
- Access to internal and external mail systems.
- Access to the Trust intranet systems, e-learning tools, emails and internet where available.
- The use of Trust computers for work in respect of employee relations.
- Access for staff side representatives to all joint documents relating the local partnership process.
- Where necessary, the provision of dedicated office space.
- Access to private space to discuss confidential matters.

9. Additional Facilities

9.1 Allocation of Facilities time – The following paid release (based on membership numbers) will be made available to the larger unions to enable them to fulfil their roles in the partnership working processes within the Trust:

- RCN 0.6 wte per week release
- UNISON 0.7 wte per week release

The employing department will be compensated by central funds for this time commitment.

Release to undertake these roles will be on a secondment basis, to be reviewed annually, and the pay for the post will equate to the earnings the employee would otherwise have received had s/he been at work, including any allowances and enhancements.

9.2 Staff Side Chair - Due to the Trust wide coordinating role of the Staff Side Chair s/he will be entitled to 0.6 wte per week release.

This release will subsume any release time already allocated to the Chair in their existing union role.
The employing department will be compensated by central funds for this time commitment.

The Staff Side Chair post will be a seconded position reviewed bi-annually and the pay of the post will equate to the earnings the employee would otherwise have received had s/he been at work, including any allowances and enhancements.

10. Health and Safety Representatives

10.1 Under the Safety Representatives and Safety Committees Regulations 1977, regulation 4(2) (a), employers must allow union health and safety representatives paid time during contractual hours, as necessary, during working hours, to perform their functions. Managers should seek advice from the Deputy Director of HR in the first instance if they are unsure as to whether this applies in specific cases.

11. Monitoring Compliance

11.1 Staff side representatives will keep a monthly record sheet which accurately records their facilities time taken and pass this to their manager within five days of the end of each month (Appendix 2).

11.2 Each year the Trust Consultative and Negotiating Policy Sub Group will commission an audit of a sample of managers to ensure the policy is being adhered to and a formal report will be co-written and presented to the Trust Consultation and Negotiating Committee by the Staff Side Chair and Deputy Director of HR for information and action as necessary.

12. Training

12.1 Reasonable paid time during contractual hours will be granted to staff side representatives to attend training courses approved by the TUC or recognised trade unions.

12.2 Paid time during contractual hours for part time employees will be given pro rata and any queries in this respect should be directed to the Deputy Director of HR in the first instance.

12.3 Wherever possible, requests should be made to the appropriate line manager at least 4 – 6 weeks in advance of the course commencement, together with details of course, length, times, dates and its content. Permission may be denied if, after consultation with the appropriate Trade Union lead, it is felt that the course is not appropriate. In this instance the Staff Side Chair must be informed.
12.4 Training undertaken at a time when the employee would otherwise not have been at work will not be paid, nor will time off in lieu be given unless the staff side representative works flexible hours such as night shifts, but needs to undertake training during normal hours.

12.5 In exceptional circumstances and where the service needs cannot be met by other means, paid time during contractual hours for training may be denied by the line manager. Notification of this will be given as soon as possible following the request, but it is also recognised that in exceptional circumstances only 24 hours’ notice may be possible. The manager will confirm the refusal in writing, confirming the reason(s) why.

13. Procedure for Settling Differences

13.1 Any grievance raised by an employee in relation to any of the matters covered by this Agreement should be pursued through the Trust’s Grievance Policy.

13.2 Where the Trust has reason to believe that an individual employee or staff side representative is abusing the facilities etc. covered by this Agreement, the following actions will be taken:

- Informal efforts will be made to confirm and, where appropriate, correct the situation through discussion with the individual and senior representatives.
- Where necessary, and before any further action is taken, attempts will be made to resolve the matter through discussion with the full-time official of the Trade Union concerned.
- Exceptionally, and following discussion with the full-time official concerned, management reserves the right to withdraw or restrict facilities and/or to withdraw recognition of the representative’s accreditation.

14. References

- ACAS: Time off for Trade Union Duties and Activities
- Agenda for Change Handbook
- The Safety Representatives and Safety Committees Regulations 1977 regulation 4(2) (a)
Appendix 1: Partnership Framework

Strategic Workforce Committee

Trust Consultative & Negotiating Committee (TCNC)

Staff Side Committee

TCNC Policy Sub Group
TCNC Consultation Sub Group

Joint Local Negotiating Committee (LNC)

LNC Policy Sub Group

Agenda for Change Staff
Medical & Dental Staff
## Appendix 2: Trade Union Commitments (In Work Time)

<table>
<thead>
<tr>
<th>Date</th>
<th>Hours</th>
<th>Purpose</th>
<th>Approved by</th>
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Document name: Trust Partnership Agreement  
Ref.: 134  
Issue date: 02 November 2015  
Status: Final  
Author: Sue Smith – Deputy of Human Resources  
Page 11 of 14
Dear Claire

Please review the following information to support the ratification of the below named document.

Name of document: Trust Partnership Agreement
Name of author: Sue Smith
Job Title: Deputy Director of HR

I, the above named author confirm that:

- The Policy presented for ratification meets all legislative, best practice and other guidance issued and known to me at the time of development of the Policy;
- I am not aware of any omissions to the Policy, and I will bring to the attention of the Executive Director any information which may affect the validity of the Policy presented as soon as this becomes known;
- The Policy meets the requirements as outlined in the document entitled Trust-wide Policy for the Development and Management of Policies (v4.0);
- The Policy meets the requirements of the NHSLA Risk Management Standards to achieve as a minimum level 2 compliance, where applicable;
- I have undertaken appropriate and thorough consultation on this Policy and I have documented the names of those individuals who responded as part of the consultation within the document. I have also fed back to responders to the consultation on the changes made to the Policy following consultation;
- I will send the Policy and signed ratification checklist to the Policy Coordinator for publication at my earliest opportunity following ratification;
- I will keep this Policy under review and ensure that it is reviewed prior to the review date.

Signature of Author: ________________________________ Date: 16 October 2015
Name of Person Ratifying this policy: Claire Buchanan
Job Title: Director of HR

Signature: ________________________________ Date: 16 October 2015

To the person approving this policy:

Please ensure this page has been completed correctly, then print, sign and post this page only to: The Policy Coordinator, John Apley Building.
The whole policy must be sent electronically to: ruh-tr.policies@nhs.net
## Consultation Schedule

<table>
<thead>
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<th>Name and Title of Individual</th>
<th>Date Consulted</th>
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</tr>
<tr>
<td>All line managers for trade union accredited representatives within the Trust</td>
<td>6th May 2015</td>
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<tr>
<td>Operational HR team</td>
<td>6th May 2015</td>
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<tr>
<td>All accredited trade union representatives within Trust</td>
<td>10th August 2015</td>
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<tr>
<td>All line managers for trade union accredited representatives within the Trust</td>
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<td>10th August 2015</td>
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The following people have submitted responses to the consultation process:

<table>
<thead>
<tr>
<th>Name and Title of Individual</th>
<th>Date Responded</th>
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<tr>
<td>Anne Dye, Staff Side Chair</td>
<td>5th May 2015</td>
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<tr>
<td>David Ahmed, Steward, Society of Radiographers</td>
<td>7th May 2015</td>
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<tr>
<td>Craig Mills, UNISON Representative</td>
<td>12th May 2015</td>
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<tr>
<td>Gina Sargeant, Head of Therapies</td>
<td>14th May 2015</td>
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<tr>
<td>Noeleen Foley, LNC Chair &amp; BMA Representative</td>
<td>14th May 2015</td>
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<tr>
<td>Deborah Bond, RCN Steward</td>
<td>14th May 2015</td>
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<tr>
<td>Andrea Rawle, UNISON Branch Secretary &amp; Steward</td>
<td>15th May 2015</td>
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<tr>
<td>Sarah Wingfield, UNITE Secretary</td>
<td>15th May 2015</td>
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<tr>
<td>Judy Bull, SSD Decontamination Manager</td>
<td>15th May 2015</td>
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<tr>
<td>Claire Buchanan, HR Director</td>
<td>19th May 2015</td>
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<tr>
<td>Claire Grainger, HR Manager</td>
<td>26th May 2015</td>
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<tr>
<td>Maggie Bruniges, Staff Side Chair</td>
<td>4th June 2015</td>
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<tr>
<th>Name of Committee/s (if applicable)</th>
<th>Date of Committee</th>
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<tr>
<td>Partnership Meeting</td>
<td>18th March 2015</td>
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<tr>
<td>TCNC Policy Sub Group</td>
<td>4th June 2015</td>
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<td>Strategic Workforce Committee</td>
<td>16th October 2015</td>
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Equality Impact Assessment: (EIA) Template

| 1. Title of document/service for assessment | Partnership Agreement |
| 2. Date of assessment                      | 24th September 2015   |
| 3. Date for review                        | 24th September 2018   |
| 4. Directorate/Service                    | HR Directorate       |
| 5. Approval Committee                     | Strategic Workforce Committee |

6. Does the document/service affect one group less or more favourably than another on the basis of:

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7. If you have identified potential discrimination, are the exceptions valid, legal and/or justified? N/A

8. If the answers to the above question is ‘no’ then adjust the element of the document/service to remove the disadvantage identified.

9. If neither of the above is possible, take no further action until you have contacted your EIA Divisional / Directorate link for review and support

Signature of person completing the Equality Impact Assessment

| Name                     | Sue Smith, Deputy Director of HR |
| Date                     | 24th September 2015              |

Chair of decision making Board / Group / Committee approval and sign off

| Name                     | Claire Buchanan, Director of HR |
| Date                     | 19th October 2015               |