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PARTNERSHIP AGREEMENT AND FACILITIES FRAMEWORK

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PARTNERSHIP AGREEMENT AND FACILITIES FRAMEWORK

1.0 INTRODUCTION

- 1.1 St Helens and Knowsley Teaching Hospitals NHS Trust recognises that partnership working has a vital role to play in the planning and delivery of high quality health care services. The Trust recognises that in order to be effective in carrying out their various roles, Trade Union representatives need the security of knowing that they can gain time off with pay, be trained and have access to communication and other facilities. The Trust, in turn needs assurance that requests for time off are legitimate and that they are made with due regard to service requirements and circumstances. Having a robust framework that supports partnership working is a key element in achieving staff engagement.
- 1.2 This Partnership Agreement and Facilities Framework (the Agreement) describes the principles of partnership working and the processes and structures in place that support effective staff and Trade Union involvement in decision making.
- 1.3 The provisions within this Agreement refer to and reflect legislative requirements and best practice outlined in the Trade Union and Labour Relations (Consolidation) Act (TULR(C)A) 1992, the ACAS Code of Practice on Time Off For Trade Union Activities issued in 2009, the Trade Union Act 2016 and the Trade Union (Facility Time Publication) Regulations 2017. They also take into account Section 25 of the Agenda for Change Terms and Conditions Handbook which covers Time Off and Facilities for Trade Union Representatives.

2.0 PRINCIPLES OF PARTNERSHIP WORKING

- 2.1 Partnership as defined within this Agreement incorporates the following key elements:
- That all partners commit to adopt the following principles in their dealings with each other:
- Build trust and a mutual respect for each other's roles and responsibilities
 - Openness, honesty and transparency in communications
 - Top level commitment, reinforced by senior level representation
 - A positive and constructive approach based on shared goals and aspirations
 - Commitment to work with and learn from each other
 - Early discussion of emerging issues and maintaining dialogue on policy and priorities
 - Commitment to improving and ensuring high quality outcomes for patients and the public
 - Where appropriate, confidentiality and agreed external positions
 - Make the best use of resources
 - Ensure a no surprise culture.
- 2.2 A partnership approach has the potential to produce important benefits for all parties, including; ensuring high standards of employment practice, achievement of effective organisational change, enabling transparent and streamlined structures for Trade Union and staff engagement, encouragement of trust and confidence in sharing information and agreeing outcomes, increased staff morale and satisfaction.

3.0 TRADE UNION RECOGNITION

- 3.1 The Trust is fully aware of the benefit of recognising the Trade Union organisations that represent the interests of the majority of its staff. This Agreement provides details of the Trade Union organisations the Trust recognises for the purposes of negotiation, bargaining and consultation on an individual and collective basis, listed in **Appendix One**. These are the only Trade Unions the Trust recognises for the purposes of consultation and negotiation. Representatives of these Trade Unions only will be entitled to attend the Trust's negotiation and consultation bodies listed in section 3.4 of this policy and to be consulted upon on matters such as any potential Redundancy, TUPE, situations or Service Restructures.
- 3.2 Whilst membership of a Trade Union is not a condition of employment, the Trust encourages employees to belong to the most appropriate Trade Union for their profession/role. The Trust recognises the importance of establishing a framework for the local determination of pay and terms and conditions (where appropriate) and this Agreement seeks to describe clearly the structure that is in place.
- 3.3 **Bargaining Structure** - The Trust consults and negotiates on a collective basis via three committees, the Joint Negotiation and Consultative Committee (JNCC), which covers all staff groups, including Lead Employer Public Health trainees on AFC terms and conditions of employment, the Local Negotiation Committee (LNC) which covers medical staff and the Lead Employer Local Negotiation Committee which covers Junior Doctors in training from Health Education England Deaneries. There are specific terms of reference available for each group identifying frequency of meetings, purpose, membership, etc.
- 3.4 **Trade Union Representation and Involvement** – The Trust encourages Trade Union Representation at key meetings within the organisation. In addition to the JNCC, Lead Employment LNC and Trust LNC, the main groups at which Trade Union representation is expected include;
- Workforce Council
 - Health and Safety Steering Group
 - HR Policy Sub Group
 - Terms and Conditions Group (task & finish only)
 - Learning and Development Steering Group
 - Clinical Education Steering Group
 - Equality & Diversity Steering Group
 - Valuing our People Steering Group
 - Ad-hoc Service Development Groups or working parties
 - Trust Implementation Group
 - Apprenticeship Steering Group

The Trust is committed to continuous improvement which inevitably leads to service reviews, new ways of working and organisational change. Managers should aim to ensure staff and Trade Union Representatives are involved in developing solutions to problems and in developing and delivering service improvement at the earliest opportunity.

- 3.5 The right to representation is acknowledged in this Agreement and in other relevant policies related to employment and employee relations. The following process is expected to be followed in order for individuals to be acknowledged by the Trust and to allow them to act as a recognised Trade Union representative:

- It is accepted that members of Trade Unions may elect/select from their membership, representatives to act on their behalf. Representatives must be directly employed by the Trust, unless otherwise agreed.
- The Trade Union or organisation will inform the Trust in writing of the names of the representatives immediately they are elected/selected
- They will also inform the Trust in writing of any vacated positions. Accreditation, which will not be unreasonably withheld, will be confirmed to the Trust by the responsible Trade Union in writing.
- Each Trade Union will have the right to request support and/or intervention by a full time officer. The Trust will recognise such full time officers of those Trade Unions recognised for the purposes of case management and consultation on an individual and collective basis, as listed in **Appendix One**.
- The Trust will monitor any issues relating to the employment relation accreditation process and the election of representatives. If there are any concerns about the process these will be discussed with the appropriate Full time officer and HR Director or Deputy HR Director and an approach to resolution will be agreed. The number of seats allocated on the joint forums e.g. JNCC, LE LNC and LNC will be on a proportionate basis.

4.0 TIME OFF AND FACILITIES FOR TRADE UNION REPRESENTATIVES

- 4.1 In order to support Trade Union Representatives to be able to undertake appropriate duties the Trust recognises the need for provision of time off and suitable facilities. This Agreement identifies the arrangements and provision to support time off for Trade Union activities and the facilities the Trust is committed to providing to ensure partnership working can take place in a meaningful manner, identified in **Appendix Two**.
- 4.2 The Trade Union Act 2016 and the Trade Union (Facility Time Publication) Regulations 2017 requires organisations to report on facility time of Trade union representatives, making the distinction between time allocated to 'Duties' and 'Activities'. In order to facilitate this process the reporting requirements are laid out in Appendix 2 and 3.
- 4.3 The Trade Union Act 2016 does not make reference to a need to report partnership time, i.e. 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 Trust. This is due to the Trust utilising the skills and expertise of staff side colleagues in functions that go beyond the remit of their representative role as laid down in statute. Examples of the type of work undertaken as partnership time and therefore not reported for the purposes of the Trade Union Act 2016 are:
- Sitting on job matching and evaluation panels as required by the Agenda for Change Terms and Conditions
 - Contributing to staff training events where the training relates to core work of the Trust
 - Taking part in policy development or service improvement projects that benefit the Trust
 - Acting in a corporate role including Board member, trustee or staff governor

5.0 ROLES AND RESPONSIBILITIES

5.1 Accredited Trade Union Representatives:

- Ensure they communicate key messages effectively to their members, managers and staff side colleagues
- Ensure they attend relevant training and development to enable them to undertake the duties of a representative fully
- Ensure they attend and fully participate in relevant meetings and committees

- Ensure they represent the views and act in the interests of their members
- Make timely requests to their manager for time off to undertake Trade Union duties and appreciate it may not always be possible for a manager to provide time away from the workplace
- Represent members on matters which are of mutual concern to the Trust or its employees
- Investigate any complaint or difficulty raised by members and make representation to the appropriate manager and/or the HR department
- Keep appropriate records, for audit purposes, of any time off used for Trade Union duties; either via e-rostering, ESR, or paper records, as appropriate
- To raise any serious concerns regarding the conduct of Trade Union colleagues and/or managers with the Full Time Officer Director of Human Resources/Deputy as appropriate.
- To work jointly with HR staff to develop and deliver training to managers to raise awareness of the desired partnership working behaviours and to develop skills in managing employee relations matters
- Work jointly on improving staff engagement and meeting the principles of the NHS Staff Constitution

5.2 Managers:

- Ensure they communicate key messages effectively to local Trade Union representatives
- Ensure they encourage Trade Union and staff involvement in change management processes and local decision making
- Meet regularly with recognised Trade Union representatives within their area to review and agree local arrangements for time off
- Ensure relevant records are kept, for audit purposes, relating to time off activities undertaken by recognised Trade Union representatives in their areas
- To provide a full reason if time off in certain circumstances cannot be granted
- To raise any serious concerns regarding the conduct of Trade Union representatives with the Director of Human Resources
- Attend training for managers to raise awareness of the desired partnership working behaviours and to develop skills in managing employee relations matters
- Ensure that no member of staff is discriminated against during, pre or post employment on account of membership or non-membership of a Trade Union
- Ensure short notice requests for Trade Union Representatives e.g. immediate suspensions are supported where possible.

5.3 Director of Human Resources:

- Identify and agree resources to support effective partnership working
- Chair the JNCC, LE LNC and LNC (this role is alternated every 12 months between the Director of HR and the Staff Side Chairperson)
- Resolve any matters relating to the poor conduct of managers or Trade Union representatives in accordance with each Trade Union policy
- Ensure appropriate involvement of Branch Secretary/Chair and Full Time Trade Union officers regarding any concerns
- Ensure that Trust practices do not discriminate against staff during, pre or post employment on account of membership or non-membership of a Trade Union
- Inform Full Time Officers if any allegations of a disciplinary nature are made against accredited trade union representatives
- Promote the ideals of partnership working and staff involvement at all levels within the Trust

- Monitor the escalation process where time off has not been given to ensure policy applied equitably

5.4 Human Resources Team:

- Design and deliver appropriate training to managers to raise awareness of desired partnership working behaviours and to develop skills in managing employee relations
- Liaise with Trade Union representatives regarding dates wherever possible when arranging meetings, hearings, etc to ensure attendance is maximised and delays are minimised
- Follow up any matters raised by managers or Trade Union representatives appropriately, in accordance with any relevant policies and procedures, in a timely manner
- Monitor the escalation process where time off has not been given to ensure policy applied equitably
- Avoid very short notice requests that may have an impact on service delivery

6.0 PARTNERSHIP WORKING BEHAVIOURS

6.1 Central to the success of this Agreement is the ability to work together and observe the following behaviours:

- treat each other with respect at all times, valuing everyone’s contribution
- seek consensus when making decisions
- seek to avoid conflict
- challenge in an appropriate manner
- challenge inappropriate behaviour
- encourage openness in communication
- prepare for meetings
- contribute with alternative solutions rather than criticism
- ensure involvement of representatives of all staff groups
- treat relevant information in the strictest of confidence, only sharing it more widely if agreed with all partners
- use of appropriate language

7.0 DECLARATION

7.1 The undersigned Staff Side (Trade Union Representative) Chairperson has been duly elected as representing all of the recognised Trade Union organisations who are members of the JNCC, Lead Employer LNC and LNC. The Agreement has been jointly drawn up and agreed and is accepted on behalf of the Trust and Trade Union organisations by:

Anne-Marie Stretch, Deputy Chief Executive & Director of HR

_____ Date _____

Full-time Officer, UNISON

_____ Date _____

Full-time Officer, BMA

_____ Date _____

Full-time Officer, UNITE the Union

_____ Date _____

Full-time Officer, RCN

_____ Date _____

Full-time Officer, RCM

_____ Date _____

Full-time Officer, Society of Radiographers

_____ Date _____

Full-time Officer, Chartered Society of Physiotherapy

_____ Date _____

Full-time Officer, British & Irish Orthoptic Society

_____ Date _____

Full-time Officer, British Society of Dieticians

_____ Date _____

8.0 REVIEW DATE

- 8.1 This Agreement will be reviewed as and when necessary, but no later than May 2021. It may also be reviewed in the light of legislative changes affecting the roles of Trade Union Representatives.

APPENDIX ONE

LIST OF ORGANISATIONS RECOGNISED BY ST HELENS AND KNOWSLEY TEACHING HOSPITALS NHS TRUST

The Trust recognises all Trades Union and Staff Associations with which it currently has a formal relationship and which have members directly employed by the Trust. The following are recognised and represented at St Helens and Knowsley Hospitals NHS Trust:

- Unite the Union
- British Medical Association
- UNISON
- Royal College of Nursing
- Royal College of Midwives
- Society of Radiographers
- Chartered Society of Physiotherapy
- British and Irish Orthoptic Society
- British Society of Dieticians

Recognition is subject to the following conditions:

- The organisation will have a full negotiating role in the national pay and terms and conditions bargaining machinery in respect of those staff which it seeks to represent at the Trust.
- The organisation will have a membership within the Trust among those staff which it seeks to represent.
- The organisation will participate positively and constructively in a way which is consistent with the aims, objectives and values of the Trust.
- It recognised that there will be occasions when not all parties will be able to reach agreement

APPENDIX TWO

TIME OFF AND FACILITIES FOR TRADE UNION REPRESENTATIVES

1 Introduction

The Trust recognises the need to support effective partnership working and the benefits arising from active Trade Union membership and consequently encourages staff to join a Trade Union. This Agreement recognises that Trade Union representatives are employees of the Trust and aims to support them in balancing their workplace duties and work-life balance in their role as a representative.

2 Purpose

It is accepted that time off requirements will depend on a number of factors and should be tailored to meet the needs of both service delivery and individual Trade Union representatives. This Agreement is not designed to be prescriptive. Its purpose is to provide clarity in relation to the roles of accredited representatives and a framework for agreeing time off arrangements to facilitate effective employee relations within the Trust.

This Agreement should be referred to when time off arrangements are agreed for accredited Trade Union Representatives, Learner Representatives and Health and Safety Representatives. A brief description of each of these roles is provided below:

Trade Union Representatives – support and represent members in the workplace. Their primary role is to protect members' rights and ensure they are treated fairly in accordance with employment legislation and their terms and conditions of service.

Learning Representatives – empower and enable staff to access lifelong learning. They work with the Trust to identify learning needs and support and inform the development of a Learning and Development programme to meet those requirements.

Health and Safety Representatives – work and act upon health and safety aspects of the Trust to provide an environment that is safe and without risk to health.

For the purposes of this Agreement the collective term Trade Union Representative has been used when referring to any or all of the above roles.

3 Time Off for Trade Union Duties

Trade Union Representatives are entitled to reasonable time off to undertake those duties pertaining to his or her role, including a reasonable allowance for preparation time. Managers will consider all requests for time off, in connection with the above, and time off will be granted subject to the demands of the service. Managers must not unreasonably withhold time off. Examples of Trade Union duties where requests for reasonable paid time off must be considered by Managers is provided below:

- Making representation to the appropriate level of management on behalf of members
- Attending joint consultation/negotiation meetings with management
- Informing members about consultations or negotiations with management
- Meetings with other representatives or with full time officers to discuss business of an employee relations nature between Trust and members of the staff organisations concerned
- Organisation of ballots held as required either by legislation or by mutual agreement

- Interviews with, and on behalf of, members on matters such as general advice, guidance, grievance and disciplinary matters concerning them and the Trust
- Attendance at Health and Safety Committees and participation in health and safety audits when an appropriately accredited Health and Safety representative
- Appearing on behalf of members before an outside body e.g. Employment Tribunals, etc
- Attendance at meetings requiring regular Trade Union representation such as LNC, JNCC, Workforce Council, Valuing our People Steering Group, Terms & Conditions Group, Health & Safety Steering Group, Equality & Diversity Steering Group, Learning & Development Steering Group and the Clinical Education Forum.
- Undergoing training in aspects of employee relations, which is relevant to carrying out Trade Union duties, provided such training is approved by the TUC congress, or by the independent Trade Union of which he or she is an official (cost of such training is the responsibility of the organisation concerned)
- Regional Committees
- .

This list is not exhaustive; if managers or Trade Union Representatives are unsure if an activity should reasonably be covered by paid time off they should seek advice from Human Resources staff.

4 Payment for Time off for Trade Union Duties

Authorised time off spent on Trade Union Duties will be paid by the Trust on submission of completed monthly records, either using e-rostering, ESR, or paper based records. Payment will either reflect the amount earned had the official worked during the time off taken, or, where earnings vary dependent on the work completed, an amount calculated based on the average hourly earnings for the work they would have completed, or if more appropriate, offered Time Off in Lieu (TOIL).

If the official is employed on a part time basis, it is anticipated that Trade Union Duties would be performed in the employee's normal working hours. However, for staff working part time, they are entitled to be paid for time on Trade Union duties/ approved training outside their contractual working hours, if staff who work full-time would be entitled to be paid.

5 Procedure for Requesting and Agreeing Time Off Arrangements

It is the responsibility of individual Trade Union Representatives to discuss and agree time off arrangements with their line manager. Managers and Care Group HR Business Partner should meet with Trade Union Representatives on appointment, and subsequently on at least an annual basis, to discuss and agree time off arrangements in accordance with this Agreement and service requirements in the area in which the Representative works. If necessary full time officers may also attend these meetings.

Trade Union Representatives will keep a record of all meetings attended and time off taken. This should be referred to when time off arrangements are reviewed with their Manager and HR Manager. This should be submitted to the Head of HR on, no less than, an annual basis by 30 April for the previous financial year to allow the organisation to report on facility time in line with the Trade Union Act 2016.

Time off for some Trade Union duties can be planned and agreed, in principle and in advance. This includes attendance at regular Trust meetings where Trade Union representation is required (examples of which are provided under point 3 above). Trade Union Representatives should discuss all such memberships, frequency of meetings and time off required, including appropriate preparation time, with their Manager. The HR Business Partner may facilitate these discussions when required.

It is appreciated that some requests for time off cannot be planned in advance. Trade Union Representatives will discuss all such requests with their line manager as soon as practically possible. Every effort will be made to meet their requests, which will be agreed subject to service requirements. Trade Union Representatives will not leave their workplace without appropriate authorisation.

Managers should be aware that time off is a duty and Trade Union Representatives should not be made to feel guilty for any unavoidable impact on the service by the performance of their duty.

Where necessary, the line manager and Trade Union Representative should discuss the impact of their Trade Union role on their substantive post and discuss any potential workload adjustments possible.

Where time off with pay is granted the Trade Union Representative's pay will include the pay they would receive had they worked e.g. unsocial hours payments.

6 Facilities for recognised Trade Union organisations

The Trust will provide:

- Appropriate office accommodation with telephone, computer and printer facilities on the two main Hospital sites i.e. Whiston Hospital and St Helens Hospital
- Access to sufficient notice boards at the two main hospital sites for display of Trade Union literature and information
- Email access
- Use of photocopying facilities
- Provision of consumables such as paper, printer cartridges, replacement of office equipment (as authorised by the Deputy Director of Human Resources from the HR budget)
- Access for staff representatives to all joint documents relating to local partnership process
- Backfill of posts where practical

Both Staff Side and Management agree that the above facilities are agreed as essential to the smooth running of effective employee relations and that these facilities must not be abused.

7 Role of the Trust Staff Side Chair and Staff Side Secretary

During discussions with line managers further consideration should be given to those Trade Union Representatives who are elected to the role of Chair or Secretary to the Trust's Staff Side. To support individuals in undertaking these additional roles it is normally expected that two days per week will be required by the Chair and one day per week by the Secretary. Requirements should form part of the annual discussions with line managers and authorisation of additional time to undertake these roles would be made by the Director of HR. This will be subject to the general principles of this Agreement. These posts will be funded corporately.

8 Time off for Trade Union Activities

It is recognised that Trade Unions, need the active participation of local TU officials to operate effectively and democratically. Managers will therefore allow TU officials reasonable time off during work time, wherever possible, to take part in union activities. This is notwithstanding the primary responsibility of the Trust to provide excellent services to patients.

9 Appointment to Regional or National Trade Union Roles

Consideration will be given to reasonable requests for paid time off from Trade Union Representatives who are elected to regional or national roles within their Trade Union. Time off will be subject to the general principles of this Agreement and time off should be recorded.

10 Attendance at Regional/ National Conferences or Conferences Specific to National Medical Staffing Consultations

The Trust will allow reasonable paid time off to individuals who are delegated by their Trade Union to attend their Trade Union's annual national conference, on a pro-rata basis according to size of Union membership. There will be allocated a minimum of one individual per recognised Union. Time off will be subject to the general principles of this Agreement. Any additional requests for attendees at Regional or National Conferences should be made to the Deputy Director of HR for consideration.

11 Special Conferences

Paid time off would normally be allocated to one official per recognised Trade Union for attendance at Special Conferences where the subject matter is clearly aligned to the objectives of the Trust. Otherwise Trade Union officials are expected to attend Special Conferences in their own time or on annual leave and no payment will be provided for undertaking this activity. Any additional requests for attendees at Special Conferences should be made to the Deputy Director of HR for consideration.

12 Application of this Agreement

Any difficulties arising out of the application and/or interpretation of this Agreement will be referred to the Director of Human Resources and the Staff Side Chair. If any problems remain unresolved then the Trade Union Representative or their full time officer may challenge any decisions through the Trust's Grievance Policy.