



Renfrewshire Valuation Joint Board

Report to: Renfrewshire Valuation Joint Board
Meeting on: 28th February 2020
Subject: Trade Union Facility Time Policy
Author: Assistant Assessor and Electoral Registration Officer

1. Introduction

This replaces the existing Trade Union Facility Time Policy.

2. Recommendations

- i. The Board approve the policy.

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13th January 2020

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RENFREWSHIRE VALUATION JOINT BOARD



TRADE UNION FACILITY TIME HR29

Title	Trade Union Facility Time
Author	Assessor & ERO
Approved By	Management Team
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Reviewer	Assistant Assessor & ERO
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1. Introduction

- 1.1 The Board is committed to working in partnership with the recognised Trade Unions and believes in the principle of collective bargaining at both national and local level. The Board is committed to ensuring that its' workforce feels valued and are involved and consulted on decisions that affect them.
- 1.2 The Board recognises the important and crucial role the Trade Unions have in promoting and developing good employee relations, robust health and safety practices and learning and development opportunities across its diverse workforce.
- 1.3 To ensure continued support for the Trade Unions and their representatives in performing their duties and to enable them to communicate and carry out their roles, duties and activities more efficiently, the Board will provide suitable and appropriate facility time arrangements and accommodation.
- 1.4 This policy has been developed in partnership with the recognised Trade Unions and in line with the Trade Union and Labour Relations (Consolidation) Act 1992 and the ACAS Code of Practice 'Time off for Trade Union Duties and Activities' which provides guidance on supporting time off, training and facilities.

2. Purpose and Aims

- 2.1 The purpose of this policy is to provide a clear and fair facility time request process for Trade Union representatives within the Board, and to enable managers to support Trade Union representatives within their service areas to carry out their Trade Union duties and activities effectively.
- 2.2 The policy aims to:
 - Demonstrate the Board's commitment to supporting and working in partnership with Trade Unions representatives;
 - Recognise the duties and activities Trade Union representatives carry out;
 - Ensure managers are provided with reasonable notice from the Trade Unions for any request for facility time;
 - Provide managers with a consistent process for considering requests from Trade Union representatives for facility time to carry out Trade Union duties and activities;
 - Ensure all requests for facility time are recorded, monitored and published in accordance with the requirements of the Trade Union (Facility Time Publication Requirements) Regulations 2017.

3. Scope

- 3.1 This policy applies to all Trade Union representatives recognised by the Board, and their Trade Union representatives..

4. Notification of Appointments

- 4.1 The Board and Trade Unions agree that the numbers of Trade Union representatives, including safety representatives and learning representatives, elected across service areas should broadly reflect levels of Trade Union membership. Representation levels may be subject to joint review in the event that either the Board or a recognised Trade Union considers there to be an imbalance in representation. Any such review will be conducted through discussion between the Assessor/ERO and the Trade Union(s). An accepted ratio of 1:25 is recommended (this does not include branch officers with specific defined roles).
- 4.2 It is the responsibility of each Trade Union to notify the Assessor/ERO in writing of:

- The names and work locations of Trade Union representatives, including Safety Representatives and Learning Representatives within the Board
 - The section/workplace represented in each case, as soon as possible after election or appointment.
- 4.3 An employee will not be granted facility time to undertake the functions of a Trade Union representative until the Assessor/ERO receives a written notification by the Trade Union. Any issues arising should be discussed with the lead lay/paid official.
- 4.4 Following their election or appointment, Trade Union representatives shall meet with an appropriate officer to discuss anticipated time off requirements and the operational needs of the service. The purpose of these discussions shall be to consider how reasonable time off can be granted whilst ensuring service requirements are met.

5. Roles and Responsibilities

- 5.1 There are a number of Trade Union roles where facility time will be relevant. Definitions of these roles are provided.
- A Trade Union Representative is defined as an employee who has been elected or appointed in accordance with the rules of a Trade Union recognised by the Board to be a representative of all or some of the union's members in a particular workplace and has been duly notified as such to the Board in writing.
 - A Health and Safety Representative is defined as an employee who has been appointed by a Trade Union recognised by the Board to represent a group or groups of employees in accordance with the Safety Representatives and Safety Committee Regulations 1977 and has been duly notified as such to the Board in writing.
 - A Trade Union Learning Representative is a Trade Union representative who promotes learning opportunities and will give advice and guidance to members and answer queries about courses or learning opportunities in the Board and has been duly notified as such to the Board in writing.
 - An Equality Representative is a Trade Union representative who is concerned with a wide range of diversity issues and raises awareness of issues related to equality and diversity and provides advice and guidance to members in the Board and has been duly notified as such to the Board in writing.
 - Branch Officers are required for the day to day running of the branch, co-ordinating training, representation, researching and conducting negotiations. Some officers will have specific duties associated with their role as defined in the union's rules and procedures.

6. Trade Union Duties and Activities

- 6.1 Trade Union representatives may be expected to carry out a range of duties and activities as part of their role. Examples of duties and activities that Trade Union representatives may be involved in are detailed in Appendix 1.

7. Requesting Facility Time

- 7.1 Trade Union representatives may request facility time for the following:
- To carry out union duties and activities;
 - To carry out union learning representative duties;
 - To carry out health and safety representative duties;

- To attend training and conferences.
 - To attend meetings with the lead lay officials/full time paid officials;
 - To attend matters relating to service conditions;
 - To participate in matters relating to self-organisation (i.e., LGBT, Disability, Race, Gender and other Equality Matters);
 - To participate in regional/national Trade Union organisation.
- 7.2 Trade Union representatives should meet with their managers to discuss anticipated facility time requirements and the impact that this will have against the operational needs of the service. All requests should be made on the request form at Appendix 2 and forwarded to the relevant manager for approval. All completed forms should then be sent to the Service Co-ordinator .
- 7.3 Where possible Trade Union representatives should submit a list of scheduled Trade Union meetings, activities and training arranged for the forthcoming year including internal meetings, committees, Trade Union conferences and branch meetings, Requests to attend training courses should be submitted as early as possible before the course start date.
- 7.4 It may not be appropriate for the Trade Union representative to provide detailed information or the circumstances/nature of the request for facility time. These situations will arise where an individual's rights to privacy may be breached.
- 7.5 Trade Union representatives requesting facility time should on each occasion:
- Give as much notice as is reasonably possible;
 - Provide the reasons for facility time, where necessary (see para 7.3);
 - Indicate the timing and expected duration of facility time required;
 - Provide details of training course nominations.
- 7.6 Where a request involves a group of Trade Union representatives, a request may be submitted by a full-time Trade Union representative on behalf of the representatives concerned. Trade Unions must consider the most suitable and relevant representatives to attend union duties and activities.

8. Considering Requests for Facility Time

- 8.1 All requests for facility time will be considered in line with service requirements. Managers must make every effort to support requests for facility time, however there may be some instances when a request cannot be approved. In deciding if a request can be accommodated, the manager must consider:
- The notice provided for the request;
 - The location (including any travelling to and from);
 - Whether the request relates to any statutory duties or requirements;
 - The amount of facility time already provided for Trade Union duties and activities;
 - Providing appropriate cover to enable Trade Union representatives to attend necessary duties and activities;
 - Alternative arrangements to support Trade Union representatives required to attend duties and activities on a scheduled day off, for example, changing shift rotas/pattern or giving time back;
 - The number of Trade Union representatives involved in carrying out the same duties and activities;
 - Whether there are clear business reasons for refusing a request for facility time.
- 8.2 Managers should ensure that where necessary, work cover and/or work load reductions are provided when facility time is required. This can include the allocation of duties to other employees rearranging work to a different time or reduction in workloads.

- 8.3 Managers must endeavour to provide Trade Union representatives with sufficient notice and preparation time to enable them to fully represent their members, for example if there is a requirement to meet their member before a hearing or read through relevant papers for a meeting/hearing. In addition, to enable Trade Union representatives to gain appropriate experience and development for their role, a request may be for a Trade Union representative to observe at a meeting, forum or hearing. Managers should treat such requests in the same way as they would any other request and remain supportive.
- 8.4 Trade Union representatives within the Board may be required to attend learning and development related to their role and provided by their Trade Union. Facility time to attend should be granted subject to service requirements.
- 8.5 Facility time approved for the purposes of carrying out Trade Union duties and activities, including attending training during normal working hours will be paid. Where facility time is requested and it is not clear whether this would be paid or unpaid, further discussion should take place between the Assistant Assessors and the relevant Trade Union Branch.
- 8.6 Where Trade Union representatives who work part-time, job share or are shift workers are required to carry out Trade Union duties and activities or training on a day or time where they are not scheduled to work, every effort will be made to rearrange working times/patterns to accommodate their obligations.

9. Access to Accommodation/Equipment

- 9.1 To support the Trade Unions in fully representing their members, the Board will provide the Trade Unions with suitable and appropriate accommodation/equipment to assist them in carrying out their duties and activities. These facilities include:
- Accommodation for meetings;
 - Access to telephone and other communication media used and permitted within the Board such as email, internet and mail facilities to correspond with Board employees. A service level agreement is in place for correspondence with employees of associated bodies, with costs being met by Trade Union;
 - The use of notice boards;
 - Use of dedicated and confidential office space where required;
 - Access to learning and development.
- 9.2 Sufficient preparation time should also be provided to Trade Union representatives to enable them to fully represent their members, for example, if there is a requirement to meet their member before a hearing or read through relevant papers for a meeting/hearing.
- 9.3 Where appropriate the Board will review and consider requests for additional resources from the recognised Trade Unions.

10. Industrial Action

- 10.1 The Board and Trade Unions have a responsibility to use agreed procedures to settle disputes and avoid industrial action. There is no right to facility time for Trade Union activities which themselves consist of industrial action.

However, where a representative is not taking part in industrial action but represents members involved, normal arrangements for time off with pay for the representative will apply.

11. Facility Time Recording and Reporting

- 11.1 Under the Trade Union (Facility Time Publication Requirements) Regulations 2017 Public Sector Employers who have full time equivalent employees of more than 49 are required to report and publish information annually on facility time taken by Trade Unions and their representatives. It has been decided that in the interest of transparency, the relevant information will be published voluntarily by the Board regardless of the number of employees. The information to be published is as follows:
- How many of the Board's employees are relevant union officials;
 - How many of the relevant union officials spent 0%, 1%-50%, 51%-99% or 100% of their working hours on facility time;
 - The percentage of the Board's total pay bill spent on paying relevant union officials for facility time;
 - The percentage of the aggregate amount of facility time taken by the Board's relevant union officials that was attributable to paid Trade Union activities.
- 11.2 Information relating to facility time will be input and monitored through the Board's appropriate recording system.

12. Confidentiality

- 12.1 Information relating to the Trade Union Facility Time Policy should be recorded, maintained and processed confidentially and securely by the Service Co-ordinator and will be used only to monitor the effectiveness of this policy.
- 12.2 Information processed may include paper or electronic records and will be done so in line with the General Data Protection Regulation (Regulation EU 2016/679) ("GDPR"), the Privacy and Electronic Communications (EC Directive) Regulations 2003 (as may be amended by the proposed Regulation on Privacy and Electronic Communications) and any legislation that, in respect of the United Kingdom, replaces, or enacts into domestic law, GDPR or any other law relating to data protection, the processing of personal data and privacy as a consequence of the United Kingdom leaving the European Union.

13. Equality and Human Rights Impact Assessment

- 13.1 This policy has been impact assessed in line with the Board's obligation to comply with the Equality Act 2010 and the Public Sector Equality Duty.

14. Monitoring and Review

- 14.1 This policy will be reviewed regularly and in line with any legislative and organisational changes. The recognised Trade Unions will be consulted on any future changes to this policy.

Trade Union Duties and Activities

Examples of Trade Union Duties

- Terms & conditions of employment or the physical conditions in which employees are required to work (for example: pay, hours of work, holidays, holiday pay, pensions, equality and diversity, learning and development, the working environment);
- Engagement or non-engagement, termination or suspension of employment or the duties of employment, of one or more employee (for example: redundancy and dismissal arrangements; recruitment and selection);
- Allocation of work or the duties of employment between employees or groups of employees (for example job evaluation, flexible working practices);
- Matters of discipline, grievance and accompanying employees to hearings and employment tribunals;
- Representing their members at supporting attendance meetings;
- Health and Safety responsibilities;
- Trade Union membership or non-membership (for example involvement in induction of new employees);
- Procedures for negotiations or consultation and other procedures (for example, joint consultation, collective bargaining at employer level, communication with members);
- Receipt of information from the employer and consultation related to redundancy or TUPE;
- Arranging workplace meetings and ballots to discuss the outcome of negotiations with the employer;
- Trade Union member health and welfare meetings.

Examples of Trade Union Activities

- Attendance at meetings of the JCBs including pre-meeting of staff side;
- Acting on behalf of members in disciplinary or grievance hearings/appeals and Employment Tribunals;
- Meeting with management relating to collective bargaining or employee relations matters affecting members;
- Meetings with full time or lay officials to discuss employee relations between the Board and Trade Union members;
- Attendance at health and safety meetings and committees and highlighting general matters affecting the health, safety and welfare at work of employees, carrying out safety inspections and investigating potential hazards and complaints relating to health and safety;
- Representing Trade Union members at job evaluations and appeals;

- Attendance at workplace meetings to discuss and vote on the outcome of negotiations with the employer;
- Voting on properly conducted ballots on industrial action;
- Branch/District or Regional meetings of the Trade Union convened during Normal working hours where issues relevant to the Board or associated organisations are under discussion in addition to Trade Union business;
- Recruitment of members who are Board employees or employees of associated organisations;
- Internal Trade Union work where work undertaken has an impact on Board Employees or employees of associated organisations;
- Meetings of the executive committee or annual conference where issues being discussed are relevant to the Board or employees of associated organisations;
- Attendance at National Meetings of the Trade Unions where the business relates to national conditions of service issues and organising;
- Involvement in employee relations duties affecting other Local Authorities requiring attendance at meetings outside the Board;
- Attendance at approved Trade Union training courses that relate to carrying out the role of a Trade Union representative and employee relations matters.
- Undergoing relevant learning and development;
- Promoting the value of learning and development and providing information and advice about learning and development matters;
- Attendance at meetings/seminars/conferences under COSLA/APSE/similar public service organisations.

RVJB - Facility Time Request Form

HR/TU/FI			
Renfrewshire Valuation Joint Board Request for Trade Union Facility Time			
SECTION 1 — To be completed by the Trade Union Representative			
PERSONAL DETAILS			
Name:		Service:	
Section:		Trade Union:	
Date/Time of Facility Time Requested			
Please indicate if the time is for trade union duties or activities			
SECTION 2 — To be completed by the Manager			
REQUEST APPROVAL			
Request Approved:	Yes/No (Delete as appropriate)	Request Declined:	Yes/No (Delete as appropriate)
If declined please provide a reason(s) why:			
DETAILS OF FACILITY TIME TAKEN			
Total Facility Time	Hours:		Mins:
Trade Union Representative's Signature			
Manager's Signature:			
When completed please send to the Office Co-Ordinator			