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Addysg a Gwella Iechyd
Cymru (AaGIC)
Health Education and
Improvement Wales (HEIW)

Health Education and Improvement Wales

Time off and Facilities for Trade Union Representatives Policy

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1. Introduction

HEIW 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 NHS. It also recognises that the participation of trade union representatives in the partnership process can contribute to delivering improved services to patients and users.

The principles of partnership working are set out in Appendix 1.

HEIW recognises the importance of ensuring that the representatives of trade unions recognised for purposes of collective bargaining and partnership working at local level are released appropriately to participate in local partnership arrangements.

HEIW will also work to ensure that it implements the provisions of Section 25 of the Agenda for Change Terms and Conditions of Service.

2. Scope

The local arrangements set out in this policy will apply to accredited representatives of trade unions recognised by HEIW, as listed in Appendix 2.

Accreditation will only be given to employees of HEIW who have been duly elected or appointed in accordance with the rules of the respective trade unions.

The number of representatives appropriate for HEIW will be discussed and agreed between the relevant trade union and HEIW based on the size and location of the unions' membership and the expected workload associated with the role. The unions are required to issue written credentials and notify the Head of People and OD of the number and location of work groups for which each representative will be responsible.

A register of accredited representatives of trade unions is included in Appendix 3.

3. Responsibilities

HEIW expects accredited representatives of trade unions:

- To abide by the rules of their trade union and HEIW policies and procedures;
- To role model HEIW Values and Behaviours (Appendix 4);
- To represent their members on matters that are of concern to HEIW and/or its employees only;
- To address accessibility, inclusion and diversity in all partnership workings.

It is anticipated that any employee who has issues or concerns around their TU duties or activities, or their treatment in the workplace relating to these, should raise those issues informally in partnership between the relevant union and HEIW line

management, with advice from the People Team, if necessary to seek a resolution. If this is not possible, staff may raise their concerns under the HEIW Grievance Policy.

4. Time Off

HEIW expects staff representatives to indicate the general nature of the business for which time off is required, the anticipated period of absence and where they can be contacted if required. Requests should be made as far in advance as possible as is reasonable in the circumstances.

Subject to the needs of the service and adequate notification, accredited representatives will be permitted reasonable paid time off during working 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:

- Meetings with other lay officials or full-time officers;
- Meetings with members;
- Negotiation and/or consultation on matters relating to terms and conditions of employment or agreed partnership processes e.g.
 - terms and conditions of employment;
 - engagement or termination of employment;
 - allocation of work;
 - matters of discipline;
 - grievances and disputes;
 - union membership or non-membership;
 - facilities for trade union representatives;
 - machinery for negotiation or consultation or other procedures.
- Appearing on behalf of members before internal or external bodies;
- All joint policy implementation and partnership working, including attendance at the HEIW Local Partnership Forum;
- Other matters relating to employee relations and partnership working.

Part-time working, flexible working arrangements and reasonable adjustments should not be considered a reason not to approve time off for Trade Union duties.

A Backfilling of posts where required will be considered, if reasonable and practical. The extent to which practical would inevitably be dependent on such factors as the numbers of representatives needing time off and the work areas that would need to be covered and the needs of the service.

5. Local Partnership Forum

The HEIW Local Partnership Forum (LPF) is the formal mechanism where NHS Wales's employers and trade unions work together to improve health services for the people of Wales and is the forum where key stakeholders will engage with each other

to inform, debate and seek to agree local priorities on workforce and health service issues. It provides the formal mechanism for consultation, negotiation and communication between the staff organisations and management. The TUC principles of partnership are applied.

The LPF meets bi-monthly and should be attended by all staff representatives .

If a representative ceases to be employed by the HEIW or ceases to be a member of a nominating organisation, then they will automatically cease to be a member of the HEIW LPF.

6. Training

Subject to the needs of the service and adequate notification, accredited trade union representatives will be given adequate time off to allow them to attend trade union approved training courses or events.

Any training course should be relevant to their duties approved by their trade union.

Local representatives should provide details of the course to their line manager.

7. Payment Arrangements

Where time with pay has been approved, the payment due will equate to the earnings the employee would otherwise have received had/she been at work.

Where staff representatives have to attend meetings outside of their normal working hours, equivalent time off will be granted, or appropriate payment made.

Travel and subsistence expenses will be reimbursed to accredited representatives who are undertaking approved work in relation to the partnership process and/or joint policy implementations, as listed above.

8. Trades Union Activities

It is the responsibility of the recognised local trade unions to ensure that the time and resources provided in this context are used appropriately.

HEIW will support partnership working by giving reasonable time off, during working hours, for trade union members or representatives to:-

- attend executive committee meetings or annual conference or regional union meetings;
- vote in properly conducted ballots on industrial relations;
- vote in union elections;
- attend meetings to discuss urgent matters relating to the workplace;
- recruit and organise of members.

Time off may be refused for either representatives or members when:-

- insufficient or unreasonable notice is given by the representative or member;
- the activity does not fall within one of the permitted categories above;
- activities are not authorised by the union;
- it cannot be reasonably accommodated due to service needs.

Part-time working, flexible working arrangements and reasonable adjustments should not be considered a reason not to approve time off for Trade Union activities.

HEIW may agree that it is appropriate, in the interests of partnership working and good industrial relations, for trade union representatives to be released from work for regular defined periods each week.

9. Learning Representatives

Trade Union Learning representatives are accredited by their unions to support organisations in identifying training needs and ensuring staff access to training.

HEIW recognises that learning representatives also have the right to reasonable paid time off for undertaking these duties and for relevant training.

10. Health and Safety Representatives

HEIW also recognise that the Safety Representatives and Safety Committee Regulations 1977 provides a legal entitlement for trade union appointed safety representatives to have paid time from their normal work to carry out their functions and undergo training.

11. Facilities

HEIW agrees to provide the following facilities:-

- Access to appropriate storage facilities for documentation, administrative facilities and meeting rooms.
- Access to internal and external telephones with due regard given for the need for privacy and confidentiality.
- Access to appropriate internal & external mail systems.
- Appropriate access to the employer's intranet and email systems.
- Access to appropriate computer facilities.
- Access to sufficient notice boards at all major locations for the display of trade union literature and information.
- Access for staff representatives to all joint documents relating to the local partnership process.

This will be done in such a way as to ensure equality of opportunity between persons who share a relevant protective characteristic and persons who do not share it.

12. Integrated Equality Impact Assessment (EqIA)

HEIW is committed to ensuring that, as far as is reasonably practicable, the way it treats its employees reflects their individual needs and does not discriminate against individuals or groups.

HEIW has undertaken an Integrated Equality Impact Assessment (EqIA) on this framework in order to investigate any possible adverse or differential impact that it may have on any groups in respect of: age, disability, gender identity; marriage (including same sex) or civil partnership, pregnancy and maternity issues, race, religion and or belief sexual orientation, transgender, carer, Welsh language, or other protected characteristics.

The assessment found that there were no negative impacts on individuals and groups and that, in welcoming and providing paid time-off and facilities for accredited trade union representatives, HEIW strengthened its response to its responsibilities under the equalities, Welsh language and human rights legislation and actively improved the opportunity for employee voice. After all, the aim of the partnership agreement is to develop good formal and informal working relations that build trust and share responsibility, whilst respecting difference.

Appendix 1:

Principles and Best Practice of Partnership Working

[Taken from: Partnership Agreement. An agreement between Department of Health, NHS Employers and NHS Trade Unions.]

To deliver partnership working successfully it is important to develop good formal and informal working relations that build trust and share responsibility, whilst respecting difference. To facilitate this, all parties commit to adopt the following principles in their dealings with each other:

- Building trust and a mutual respect for each other's roles and responsibilities;
- Openness, honesty and transparency in communications;
- Top level commitment;
- A positive and constructive approach;
- Commitment to work with and learn from each other;
- Early discussion of emerging issues and maintaining dialogue on policy and priorities;
- Commitment to ensuring high quality outcomes;
- Where appropriate, confidentiality and agreed external positions;
- Making the best use of resources;
- Ensuring a no surprise culture.

Appendix 2:

Recognised Trade Unions

The following Trade Unions are Recognised by HEIW as at the 9th May 2019.

UNISON

UNITE

Royal College of Nursing

Note: UCU will be recognised for the purposes of dealing with individual casework affecting their members who have transferred into HEIW under TUPE.

Appendix 4:

Health Education and Improvement Wales (HEIW) Values and Behaviour Framework



Our values and behaviours have been developed by us; the 400 plus people who have come together as a team to form HEIW. They reflect our thoughts, feelings and beliefs in how we will, and won't, behave and treat others. They reflect how we will carry out our work and support the delivery of health and social care to the people of Wales.

Respect for all - <i>In every contact we have we have with others.</i>	Together as a team - <i>we will work with colleagues, across NHS Wales and with partner organisations.</i>	Ideas that improve – <i>harnessing creativity and continuously innovating, evaluating and improving.</i>
<p>We Will</p> <ul style="list-style-type: none"> Actively listen – make time to listen, to hear, and respond to everyone’s views; Seek to understand alternative viewpoints and see things from others perspectives; Challenge constructively and objectively and deal with disagreement quickly and respectfully maintaining peoples’ dignity; Respect other people’s expertise and trust people to do their jobs; Take personal responsibility for our actions and have the confidence to admit mistakes and apologise; Treat people fairly and equitably according to their needs; Value all differences not just professional backgrounds, experience and skills. 	<p>We Will</p> <ul style="list-style-type: none"> Seek out, recognise and value the knowledge skills and experience of others from within HEIW and across our stakeholders; Openly receive contributions from colleagues and partners; Work hard for each other, contribute our best whether we are leading or supporting work; Work collaboratively; Be open and transparent and work towards shared objectives; Have fun. 	<p>We Will</p> <ul style="list-style-type: none"> Be creative, curious and future thinking; Challenge the status quo and suggest constructive solutions; Take a positive approach to challenges and problems; Drive informed innovation and improvement for patients, staff and learners; Empower staff, teams and partners with skills to improve; Seek out and respond to feedback from patients, learners, staff and partners; Talk up and celebrate success; Embrace and learn from mistakes; Focus on the ‘whys’ - the purpose and the outcome; Create and protect time and space for reflection and evaluation.
<p>We will not</p> <ul style="list-style-type: none"> Allow challenges or differences of opinion to become personal; Behave in a way which could be perceived as bullying; Exclude others; Behave in a way which could be perceived as prejudicial; Give preferential treatment; Dominate discussions or approaches. 	<p>We will not</p> <ul style="list-style-type: none"> Withhold important relevant information; Forget to communicate with each other; Lack loyalty towards each other and HEIW; Work rigidly to defined boundaries. 	<p>We will not</p> <ul style="list-style-type: none"> Behave in a negative or “can’t do” way; Be defensive when challenging existing ways of working; Think we know best; Allow obstacles to stop improvement; Blame others for mistakes.