**Calderdale and Huddersfield NHS Foundation Trust**

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

**1. Introduction**

The Trade Union (Facility Time Publication Requirements) Regulations 2017 came into effect on 1 April 2017 and require public sector employers (including NHS Trusts and NHS Foundation Trusts) to publish the cost of paid facility time taken by employees who are union officials. Employers are required to report the information for each 12 month period from 1 April to 31 March both on their websites and in their annual reports. The intent of the Regulations is accountability through visibility to stakeholders, the public and the media. The first report is due for publication by 31 July 2018.

**2. Context**

Trade Union representatives have a statutory right to reasonable paid time off from employment to carry out trade union duties and to undertake trade union training and these arrangements are set out in the Employment Protection Act 1975 as amended. Union representatives and members also have a statutory right to reasonable unpaid time off when taking part in trade union activities. The Trust has a long established consultation and negotiation process with trade unions through the Staff Management Partnership Forum (SMPF), the Local Negotiating Committee (LNC) and the Medical and Dental Pay and Conditions Committee (MADPACC). The Trust formally recognises 13 trade unions for consultation and negotiation purposes. The Trust consults widely on both strategic and operational decisions affecting employees, including workplace policies. Negotiation is limited largely to areas where national agreements, for example, Agenda for Change provide specifically for matters to be determined by local negotiation. The Trust recognises the value of effective partnership working with trade unions to both improve the employee experience and the delivery of high quality care to patients. The Trust has recently refreshed its Recognition and Facilities Agreement and this includes specific reference to the Regulations described in paragraph 2 below. It should be noted that the Trust does not employ nor pay any individual to work exclusively on trade union duties. All trade union representatives accredited by the Trust are Trust employees employed in a variety of clinical and non-clinical roles. Much of the work they undertake involves the representation of their members at disciplinary, sickness and grievance meetings and they provide a valuable role in the resolution of workplace issues.

**2. Trade Union Facility Time Publication Requirements**

In order to meet the requirements of these Regulations and taking into account the focus on implementing the Electronic Patient Record (EPR) in 2017 it was agreed with the trade unions locally that the Electronic Staff Record (ESR) would be used to record the time spent on trade union duties from 1 February 2018. This provided an opportunity to resolve any logistical issues prior to a Trust-wide roll-out from 1 April 2018.

It should be noted that prior to the use of ESR the Trust did not record time off for trade union duties. The Trust has not therefore been able to retrospectively record time off data for the period 1April 2017 to 31 January 2018.

Data for the period 1 February 2018 to 31 March 2018 has been provided by ESR and collated in accordance with the ‘Guidance for the Trade Union (Facility Time Publication Requirements) Regulations 2017’.It should be noted in Table 2 below that Trusts are required to report the percentage of time spent on union duties and in the category 1 to 50% seven union representatives are identified. In practice, all seven are at the lower end of this scale.

The Trust intends to report data in full for the period 1 April 2018 to 31 March 2019 by the required 31 July 2019 publication deadline.

Annex A

Facility Time Publication Requirements

The facility time data that organisations are required to collate and publish under the new regulations is shown below. We have included tables to illustrate the information required.

**Table 1**

**Relevant Union Officials**

What was the total number of your employees who were relevant union officials during the relevant period?

|  |  |
| --- | --- |
| *Number of employees who were relevant union officials during the relevant period* | *Full-time equivalent employee number* |
| 57 | 48.62 |

**Table 2**

**Percentage of time spent on facility time**

How many of your employees who were relevant union officials employed during the relevant period spent a) 0%, b) 1%-50%, c) 51%-99% or d) 100% of their working hours on facility time?

|  |  |
| --- | --- |
| Percentage of time | Number of Employees |
| 0% | 50 |
| 1-50% | 7 |
| 51-99% | 0 |
| 100% | 0 |

**Table 3**

**Percentage of pay bill spent on facility time**

Provide the figures requested in the first column of the table below to determine the percentage of your total pay bill spent on paying employees who were relevant union officials for facility time during the relevant period.

|  |  |
| --- | --- |
| *First Column* | *Figures* |
| Provide the total cost of facility time | £2,723.97 |
| Provide the total pay bill | £124,449.008 |
| Provide the percentage of the total pay bill spent on facility time, calculated as: | 0.0022% |

|  |  |
| --- | --- |
| (total cost of facility time ÷ total pay bill) x 100 |  |

**Table 4**

**Paid trade union activities**

As a percentage of total paid facility time hours, how many hours were spent by employees who were relevant union officials during the relevant period on paid trade union activities?

|  |  |
| --- | --- |
| *Time spent on paid trade union activities as a percentage of total paid facility time hours calculated as:*  *(total hours spent on paid trade union activities by relevant union officials during the relevant period ÷ total paid facility time hours) x 100* | 0 |