



Appendix B

Policy on Time Off and Facilities for Trade Union Duties and Activities

1. INTRODUCTION

- 1.1 Cafcass and the Trade Unions who are the parties to this agreement recognise the importance of a respectful and trusting approach to the need for reasonable time off for Trade Union duties but also recognise that setting out some initial expectations reduces the risk of misunderstanding or dispute.
- 1.2 The aim of this policy is to set out of the allowances to reasonable time off for Trade Union representatives to undertake employment relations' activity within Cafcass. Cafcass and the Trade Unions share the aim of building good employment relations. Partnership underpins and facilitates the development of sound and effective employment relations within Cafcass.
- 1.3 It is important that Trade Unions and Cafcass apply a consistent and fair approach to time off for Trade Union duties and activities and this document clarifies the procedures under which time off can be granted, and then recorded using the Time-off Diary in Appendix A.
- 1.4 The main portfolio covered by the National Partnership includes:
 - The Partnership Committee
 - The Health & Safety Meetings
- 1.5 In order to help plan the needs of the service effectively Trade Union representatives (at the time of appointment to the role) should agree within the Trade Union time off and facility requirements and provide notification to Cafcass. Agreed facility time should be recorded on the form Appendix A: Time Off for Trade Union Duties and Activities. The Trade Unions will cooperate in the monitoring of time taken for such agreed duties. An annual arrangement with the Operational Director and each Trade Union representative should be put in place at the start of each year, which can be varied, by agreement, when the need arises. Cafcass recognises that there are finite limits to the amount of time off and facilities time within this agreement, which is granted annually, but will seek to be flexible where exceptional circumstances are notified in advance by the relevant Trade Union(s).

- 1.6 The dates of the National Partnership meetings should be forwarded to the Operational Director as soon as they have been set for the following calendar year.

2. BACKGROUND

- 2.1 This policy should be read in conjunction with the ACAS Code of Practice No. 3 'Time Off Work for Trade Union Duties and Activities', The Trade Union and Labour Relations (Consolidation) Act 1992 as amended by the Employment Act 2002 and any other relevant legislation, which may be in force from time to time.
- 2.2 Managers are obliged to permit employees who are accredited representatives of a Trade Union that Cafcass recognises, to take reasonable paid time off to carry out duties and complete relevant training. These duties are defined by the TULRCA 1992 as amended by the Employment Act 2002. And set out in the ACAS Code of Practice 3 "Time off for Trade Union Duties and Activities" The training must be relevant to those duties and time off agreed by management, the TUC and/or the representative's organisation.
- 2.3 Managers will also allow Trade Union members reasonable time off with pay to take part in Trade Union activity. It is expected that an individual undertaking Trade Union duties or activities will revert to normal duties at the earliest opportunity after completion of the Trade Union activities.
- 2.4 Time off with pay should be the pay that the representative of a Trade Union would have received if they were working at that time based on contractual hours and entitlements only.
- 2.5 Planned meetings will be notified as far in advance as possible.

3. NATIONAL REPRESENTATION

- 3.1 Agreed facility time is inclusive of reasonable travel time and it is the expectation that wherever appropriate travel time be used productively in accordance with the Cafcass Expense Reimbursement Policy. In addition, wherever possible or appropriate Cafcass will make alternative communications links available e.g. video-conference, teleconference, in order to reduce travel time and costs, by agreement with Trade Union partners.
- 3.2 Where the work programme has to be increased to accommodate Cafcass led policy initiatives over and above those specified in this agreement, discussions should take place to review the time off work allocation in the light of any exceptional circumstances arising.

4. ACCREDITED REPRESENTATIVES

- 4.1 An accredited representative is a Cafcass employee who has been duly appointed to hold office as;

- 4.1.1 A member of a recognised Trade Union's executive committee at a national, and/ or local /branch level;
- 4.1.2. A Trade Union member of the Cafcass national partnership committee;
- 4.1.3 A Trade Union member elected at local level to represent the interests of members at local level.
- 4.2 The unions will be responsible for notifying Cafcass in writing of the appointment of their representatives. This includes:
 - 4.2.1 Notification to the Director of Human Resources and Organisational Development in respect of National representatives;
 - 4.2.2 Notification to Human Resources Business Partners in respect of Area based representatives including details of the work group represented and their location;
 - 4.2.3 The provision to management of details of local trade union structures and current copies of constitution/rulebooks on request by the management side.
- 4.3 Irrespective of whether the accredited representative is full or part time, all recognised Area Based representatives will look after an agreed constituency i.e. section of members, which reflects a natural and appropriate subgroup of his or her organisation's membership. The size and boundaries of each constituency will vary according to the membership profile of each Trade Union, and will take account of any specific requirements governing the working arrangements for representatives as set out in the individual Trade Union rulebook.
- 4.4 The following guidelines should apply:
 - 4.4.1 Representatives will work flexibly within the Cafcass operational structure when supporting members;
 - 4.4.2 Small Trade Unions or those with a very scattered membership may propose a national constituency structure, such as the PCS.

5. FUNCTIONS

- 5.1 The functions for which accredited representatives shall be granted time off with pay include:
 - 5.1.1 Preparation and attendance at joint national level meetings, for consultation and negotiation between the Trade Unions and management on matters of joint concern;

- 5.1.2 Taking part in meetings of official policy making bodies of the Union, such as the National Executive, Officers and Officials meetings or attendance at steering and development groups within Cafcass;
- 5.1.3 Meeting with other accredited representatives or full time Trade Union representatives to consider matters of joint concern to both the official and Trade Union sides;
- 5.1.4 To attend meetings for the express purpose of disseminating information about the outcome of discussions, consultation or negotiation with management. It is expected that these meetings will normally be held outside work time, but meetings can be held within work time with the agreement of management to discuss important issues affecting the constituency members;
- 5.1.5 Preparing and appearing on behalf of members including, but not exclusively, before internal performance and conduct, dignity at work, grievance hearings and meetings under the Management of Sickness Absence Policy & Procedures or an external official body e.g. Employment Tribunal, dealing with matters concerning Cafcass as an employer, or supporting members in problem solving discussions to avoid the need for formal procedures.
- 5.1.6 Attendance at a conference of a recognised Trade Union in Cafcass;
- 5.1.7 Representing the union on external bodies relevant to employment in Cafcass. Time off will be agreed with management as required;
- 5.1.8 Attendance at training courses relevant to representation duties organised by the TUC or Trade Unions;
- 5.1.9 Liaising with new staff in Cafcass and recruitment drives.

6. MANAGEMENT OF FACILITIES TIME FOR ACCREDITED REPRESENTATIVES

6.1 Facility Time Allowance

6.1.2 The Cafcass annual facilities allowance is detailed below and based on a respective membership for Napo and Unison. PCS do not have any facility time due to the very low membership numbers.

- Napo: 2.5 full-time equivalent representative. Napo membership as at February 2012 was 572
- Unison: 1.5 full-time equivalent. Unison membership as at February 2012 was circa 300.

The above trade union facility time applies from 1 April 2012 until 31 March 2013.

6.1.3 The Cafcass facilities allowance for PCS is subject to agreement on an as required basis due to small membership numbers.

6.2 Time Off Diaries

- 6.2.1 The Trade Unions will determine how the whole Union-wide allowance is subdivided amongst accredited representatives of each Union. The proportion of facilities time granted to each accredited representative must be recorded on the form Appendix A: Time Off for Employment Relations and Trade Union Duties;
- 6.2.2 Accredited representatives are required to maintain the time-off diary, which records their annual facility time allocation from the Trade Union and subsequent in-year usage. Travelling time also needs to be recorded in the time-off diary;
- 6.2.3 On being appointed, accredited representatives will be advised of their annual facility time allowances for employment relation duties and/or Trade Union activities by their national representative and will be provided with a time-off diary. The total allowances must be entered in the appropriate boxes and the time-off taken thereafter must be recorded in the relevant sections. Accredited representatives must send a copy of the time-off diary to the appropriate national TU Official who will share this with the Official Side of the National Partnership Committee every six months so that usage can be monitored and allowances reviewed. Definitions Trade Union duties and activities are given in Section 5 of this agreement;
- 6.2.4 Trade Union members who are not accredited representatives, but who are given time-off under the provisions of this agreement, are also required to record such time-off in a time-off diary;
- 6.2.5 Allowances will normally be recorded in days, hours and minutes on the time-off diary'

6.3 Authorisation

- 6.3.1 In order to minimise disruption to Cafcass business, line management should be notified of all scheduled meetings such as NPC which are generally scheduled up to a year ahead. For any non-scheduled meetings (i.e. representation meetings, local H&S inspections etc), as much notice should be provided as possible to ensure business continuity.
- 6.3.2 Whilst accredited representatives should remain within their respective allowances for employment relation duties and Trade Union activities they may, where warranted by the nature of their duties and responsibilities, vire a proportion of their allocation from one function to another. This should be agreed with the Cafcass Management representatives (Director of HR and Organisational Development or their nominated representatives) at the National Partnership Committee and the time-off diary will be amended accordingly;
- 6.3.3 The overall facility time allowance for an accredited representative may only be changed during the year where this is agreed in writing by the Cafcass

Management representatives at the National Partnership Committee. Any approved increase will be offset by viring against another, or other, accredited representatives so that each Trade Union works within the overall ceiling of facilities time granted under 6.1.2 above.

6.4 Annual Returns

6.4.1 The Facility Time accounting year runs from 1 April to 31 March. At the end of this period, accredited representatives and Trade Union members who have taken time-off under the provisions of this agreement are required to return their completed time-off diary to the appropriate national TU Official who will share this with the Management Side of the National Partnership Committee

6.5 Mid-year review

6.5.1 Following consultation through the National Partnership Committee, a mid-year review of Facility Time may be undertaken with a view to ensuring that the usage complies with the levels established at the beginning of the year. Where this occurs, all accredited representatives are required to submit a copy of their time-off diary at the mid-year point (30 September) to the Cafcass Management representatives on the National Partnership Committee. In exceptional circumstances, if the level of activity by a Trade Union in a particular area is higher than that anticipated by the initial allocation, the relevant Trade Union has the flexibility to increase the allocation for that area by viring against areas with a lower than expected take up. This will be co-ordinated centrally via the National Partnership Committee and line management will be notified of any revised allocations.

7. UNION MEMBERS

7.1 Time off for Trade Union members may be allocated as follows:

7.1.1 Cafcass recognises the benefits of members attending Trade Union conferences and AGMs. Requests for time off will be granted by management for the purpose of attending Trade Union conferences providing that the operational needs of the service are met;

7.1.2 Cafcass, after consultation with the Trade Unions, may grant paid time off to a number of union members on a national level for the purpose of attending Trade Union professional development conferences;

7.1.4 It is accepted that area meetings of individual unions are part of the communications process within Cafcass. Any changes to arrangements for time off for area meetings will need to negotiate with management with agreed levels of cover. Management should facilitate paid time off where appropriate to allow as many employees as possible to attend local meetings whilst ensuring that the demands of the service are met;

8. TRADE UNION FACILITIES

- 8.1 Where resources permit, Cafcass will aim to provide facilities for the conduct of union business including:
 - 8.1.1 Access and use of, where possible, office accommodation and rooms as required for the purpose of meeting with members;
 - 8.1.2 The provision of a notice board or equivalent wall-space and use of the intranet for the display of Trade Union literature and information;
 - 8.1.3 Reasonable access to the means for internal communication, including stationary, internal post, phones and intranet within Cafcass;
 - 8.1.4 The use of office equipment as necessary such as secure filing cabinet, fax machines, photocopiers and computer equipment;
 - 8.1.5 Cafcass shall provide appropriate facilities for meetings and ensure that they may be held in private and that respect will be given to the confidentiality of correspondence sent to and by the Trade Union;
 - 8.1.6 Reasonable requests for secretarial assistance such as photocopying, distribution and typing approved by Cafcass subject to operational needs;
 - 8.1.7 Access to video-conferencing facilities and telephone conferences.

9. ACCESS TO DOCUMENTS

- 9.1 Trade Union sides and accredited representatives should have access to documents, which set out rules relating to pay, conditions and other matters affecting employees.
- 9.2 The Cafcass Board agrees to provide to the recognised Trade Unions a copy of the agenda and minutes of the public part of Cafcass Board meetings.

10. REIMBURSEMENT OF EXPENSES

- 10.1 Accredited representatives and trade union members (Cafcass Staff), will be reimbursed all reasonable additional travelling expenses incurred in relation to duties undertaken as a consequence of meetings relating to Cafcass work on behalf of the Trade Union side.
- 10.2 Accredited Trade union representatives attending conferences on behalf of their service area will be reimbursed all reasonable expenses.
- 10.3 Reimbursement of expenses for attendance at conferences by trade union members will be in agreement with the Operational Director.

11. STAFF JOINING AND LEAVING CAFCASS

- 11.1 Cafcass will arrange to provide the names of new entrants and of those resigning to the recognised Trade Unions on a bi-monthly basis.
- 11.2 Cafcass will allow accredited Trade Union representatives to address new entrants during induction training (or at another appropriate time) on the role of unions within Cafcass.

12. HEALTH & SAFETY

- 12.1 Under the Safety Representatives and Safety Committees Regulations 1977 as amended by the Management of Health & Safety at Work Regulations 1992 and the Health & Safety (Consultation with Employees) Regulations 1996 Trade Unions are responsible for the appointment of union safety representatives. Cafcass has a statutory duty to permit safety representatives such time off with pay as shall be necessary for the purpose of:

- 12.1.1 Performing his/her functions under health and safety legislation;
- 12.1.2 Undertaking such relevant training in aspects of this function;
- 12.1.3 Attending Health and Safety meetings at national levels where appropriate.

13. FURTHER ADVICE

- 13.1 Further advice can be obtained from the Director of Human Resources and Organisational Development regarding implementation of this policy.
- 13.2 In the event of an unresolved disagreement between management and local representatives as to the implementation in practice of this policy, the issue should be raised with the Joint Secretariat of the National Partnership Committee who will advise accordingly.

14. REVIEW

- 14.1 This appendix will be subject to review every three years.



Appendix A: Time off for Employment Relations and Trade Union Duties

Record of time off

Name:

Trade Union:

Position held:

Period covered:

Agreed Facilities Time
1 April – 31 March
days

Date	Start time	Finish time	Venue	Tel no.	Nature of business