

Consultation and Negotiation Arrangements
in Partnership Framework

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	1	November 1994		Original Policy
	2	March 2004		
	3	April 2008		
	4	April 2011	Terms and Conditions Policy Sub-Group	Standard review
	5	Jan 2016	Head of HR Advisory	It was agreed at Trust Policy Board that this document is a framework on how we operate rather than a Policy and withdrawn from the Trust's Policies. Audit monitoring will continue.
	6	August 2017	Deputy Director of HR	Review

Intended Recipients: All staff	
Consultation Group / Role Titles and Date: Joint Negotiation and Consultation Committee	
Name and date of Trust level group where reviewed	HR Workforce Assurance Group
Name and date of final approval committee	Joint Negotiation and Consultation Committee (30 th August 2017)

Date of issue	1 st September 2017
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Training and Dissemination: Disseminated via Trust Senior Managers Briefing and on intranet	
To be read in conjunction with: HR06 Grievance Policy, HR01 Leave Policy	
Initial Equality Impact Assessment (all policies):	Completed Yes
Full Equality Impact assessment (as required):	Completed No
If you require this document in an alternative format e.g., larger print please contact Central Governance Department on Ext 5114.	
Contact for Review	Director of Workforce
Implementation plan / arrangements (Name implementation lead)	Director of Workforce and Staff Side Lead
Monitoring arrangements and Committee	HR Workforce Assurance Group
Document summary / key issues covered:	
This framework sets out the arrangements agreed for consultation and negotiation in partnership between the Trust and recognised Trade Unions, with the aims of ensuring that all staff have an opportunity to be involved in decisions that affect them, and of developing a consistent approach to management and staff working in partnership.	

VALIDITY STATEMENT

This document is due for review on the latest date shown above. After this date, the framework and process documents may become invalid. The electronic copy of this document is the only version that is maintained. Printed copies must not be relied upon to contain the latest updates and amendments.

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The Royal Wolverhampton NHS Trust

1.0 Statement

Employee Relations and Partnership Working

- 1.1 The employee relations climate within the Trust reflects a positive and constructive relationship typical of a genuine partnership model. Together we are open, honest and motivated by a combined drive to deliver high quality patient services through effective HR management practices.
- 1.2 It is recognised that the Trust needs to do more to communicate and engage with staff directly. We see this as sitting alongside the strong Staff Side representative-Employer interface and will provide a further means of connecting frequently with staff directly on what matters to them.

2.0 Definitions

- 2.1 Consultation: the process by which management and employees or their representatives jointly examine and discuss issues of mutual concern.
- 2.2 Negotiation: is the process of reaching agreements or arrangements by discussion to successfully agree outcomes for implementation, avoiding disputes

3.0 Accountabilities

- 3.1 The Director Sponsor will be accountable for the revision of this framework which may be necessary from time to time as a result of changes in the law or in the light of experience when applying the procedure. Any revisions will be agreed through the Trust's Joint Negotiating and Consultation Committee.
- 3.2 Directors will be responsible for ensuring that this framework is fairly and consistently applied within their area of responsibility in the Trust.
- 3.4 Managers will be responsible for undertaking appropriate learning in order to comply with this framework.
- 3.5 The Human Resources Department will be responsible for supporting the implementation of this process, including ongoing training of Managers.
- 3.6 Staff Side representatives have a responsibility to respect and act in the best interests of their members.

4.0 Detail

- 4.1 The purpose of this framework is to ensure that all staff have an opportunity to be involved in decisions that affect them by putting in place processes and procedures to develop a consistent approach to management and staff working in partnership.
- 4.2 This framework is supported by the following procedures, protocols and guidelines:

Attachment 1 - Recognition Agreement for Consultation and Negotiation Arrangements in Partnership

5.0 Financial Risk Assessment

The screening checklist has been completed and no additional financial resources have been identified.

6.0 Equality and Diversity Risk Assessment

The screening checklist has been completed. Reasonable efforts have been made to eliminate any possible Equality and Diversity discrimination occurring.

7.0 Maintenance

The Director of Workforce has overall responsibility for the update and maintenance of this Framework.

8.0 Communication & Training

8.1 The Human Resources Department will provide training, advice and support to Managers as appropriate.

8.2 All Executive Directors/Clinical Directors/Divisional Managers/Divisional Nurses and Directorate Managers are responsible for the communication of this Framework to their staff.

8.3 The Consultation and Negotiation Arrangements in Partnership Framework is available on the Trust Intranet Site.

9.0 Audit Process

9.1 The Trusts HR Workforce Assurance Group will be responsible for the monitoring and review of this Framework to ensure it reflects national standards of best practice.

10.0 References

10.1 Other Relevant Trust Policies

HR06 Grievance Policy

HR01 Leave Policy

10.2 Other

ACAS Code of Practice

**Recognition Agreement for
Consultation and Negotiation Arrangements in Partnership**

1.1 General Principles:

Recognition

- 1.1.1** This agreement identifies the framework for facilities and time off for accredited representatives of the recognised Staff Side representatives who are recognised by the Trust.
- 1.1.2** This agreement forms the basis of our good employee relationships and an important element in the management of Trust staff.
- 1.1.3** The Trust recognises that it is important to good employee relations that its workforce is properly represented by the recognised Staff Side representatives. The Trust also recognises that a strong and effective represented workforce enhances good employee relations.
- 1.1.4** The Trust will operate in accordance with the current legislation and the principles contained within the ACAS Code of Practice, and will be updated in line with changes in statutory legislation
- 1.1.5** Staff Side representatives of the recognised Trade Union and professional organisations will be recognised for collective bargaining purposes.
- 1.1.6** Staff side representatives will be employees of the Trust. Members of the Corporate Management Team and Members of the Management side of the JNCC will not be eligible for election as representatives.
- 1.1.7** Staff Side representatives shall be elected in accordance with the rules of the appropriate signatory Trade Unions/Professional Organisation.
- 1.1.8** Trade Unions/Professional Organisations will provide written notification to the Director of Workforce of any changes in staff side representatives or Full Time Officer. Upon notification of a staff side representative accreditation the Trust will acknowledge and revise the accreditation list and inform the relevant manager who will in turn endorse the accreditation and authorise facilities time and/or outline any specific conditions emanating from time off requirements e.g. exigencies of the service.
- 1.1.9** Excluded from this Agreement currently are Executive Directors, Senior Managers and Medical staff for the

purposes of collective pay and terms and conditions. Any and all other matters of policy and procedure agreed in the JNCC forum, which have a Trust-wide impact, will similarly apply to the above.

This agreement is not legally binding.

2.0 SECTION 2

2.1 Recognition and scope of Recognition

2.1.2 The Trust and the staff side representatives have a common objective in the long term in ensuring the efficiency and success of the Trust for the benefit of all.

2.2.3 Both sides agree that their pursuit of this common objective under this Recognition Agreement shall be via:

2.2 Communication

2.2.1 The Trust will continue to develop genuine, regular and consistent two-way communication processes directly with staff. In addition, Staff side representatives will also continue to develop effective communication and inclusion of staff so that genuine dialogue can exist at all levels. Communication may be spoken, written or electronic and may take place in a variety of ways:

- Staff meetings
- Team briefings
- Newsletters
- Bulletin boards
- Working groups
- Encouraging ideas from staff – staff suggestion schemes

2.2.2 The communication processes should be reviewed on an annual basis to ensure that they are effective.

2.3 Partnership

2.3.1 Partnership means the routine involvement of staff and their staff side representatives in the decision making at all levels with access to information which gives genuine opportunity to influence decisions at the earliest possible stages and before decisions are taken. This includes, where appropriate, the identification of problems/issues to be addressed, supporting staff and making the Royal Wolverhampton NHS Trust one of the best employers to work for. The Royal Wolverhampton NHS Trust recognises the legitimate interests of staff side representatives and through open and transparent consultation and negotiation involving staff and staff representatives, will develop a collaborative relationship that will enhance the Trust and assist the achievement of goals and objectives of the trust

organisation.

2.3.2 Each side agree to recognise and respect each other's roles and functions which are distinct but complementary.

2.4 Consultation

2.4.1 Consultation is inevitably time consuming and involves being open and forthcoming with information. It is vital that it is transparent and involves listening and responding to staff concerns. Robust lines of communication should be in place between Management and Staff side Representatives, as well as between all Staff and their Representatives.

2.4.2 A climate of trust and openness will be maintained between staff, staff side representatives and the trust based on regular information sharing, problem solving and learning.

2.4.3 Consultation may be used as a means of providing early information on matters which may or may not later become the subject of negotiation.

2.5 Negotiation

2.5.1 Principles

2.5.1.1 The staff side representatives recognise that it is management's responsibility to plan organise and manage the activities set by the Trust.

2.5.1.2 The Trust recognises the importance of staff side representative's involvement in working via a consultative framework to protect staff interests and their role in encouraging staff to become members of a staff side organisation.

2.5.1.3 The Trust recognises the right of staff side representatives to support individuals and protect the interests of individual staff members.

2.5.1.4 Staff Side representatives have a responsibility to respect and act in the best interests of their members.

2.5.1.5 Joint working will recognise the interdependence of both parties and will be carried out in genuine partnership and equality.

3.0 SECTION 3

3.1 JNCC Consultation and Negotiation Forum

3.1.1 The Trust is committed to developing an inclusive consultation and negotiation framework, to create, develop and encourage an open and healthy relationship between the Trust and Staff. The forum for consultation and negotiation will be done through the Joint Negotiating and Consultation Committee [JNCC].

3.1.2 The JNCC will be used to discuss debate and involve the Trust and Staff Side representatives in the development of workforce

implications of policy in particular it will:

- contribute to the Staff Side representatives perspective in negotiation of policies until a joint agreement is reached
- provide constructive comments of emerging policy at a formative stage
- contribute ideas on the workforce implications of developing policy and implementation
- promote effective communications.

4.0 SECTION 4

4.1 Procedure Functions and Scope

4.1.2 Both sides agree that it is in their mutual interest to observe a negotiating and consultation procedure by which all issues arising between them can be considered and resolved.

4.1.3 Both sides are committed to:

- Maintaining and improving industrial relations.
- To resolve issues at the earliest possible stage.
- To seek to prevent differences and resolve them should they arise.
- To provide information in good time for discussion and/or consultation.
- To undertake to provide a considered, co-ordinated and timely response to issues on which views are sought.
- To respect confidentiality where it is requested or required.
- The speedy implementation of agreements made.
- To seek to prevent differences and resolve them should they arise, notwithstanding the formal channels available.
- To speedily resolve all issues at the earliest stage possible.
- The smooth operations and speedy implementation of agreements made, provided that no further agreement is required at another level.

4.1.4 The JNCC will act as a negotiating and consultative body and will discuss matters subject to consultation and/or negotiation and matter subject to management decisions.

4.1.5 It is important that both sides of the committee are fully representative of those whom they represent. It is important that, where appropriate both sides can make decisions without having to refer back to those whom they represent. In this regard, it is the respective responsibility of both sides

to have had prior and on-going arrangements in place.

4.1.6 It is recognised that on occasions Staff Side representatives may have to consult with members prior to agreement.

4.1.7 The JNCC will meet monthly, business of the JNCC will include;

- Organisational change
- Policies Procedures ratification and implementation
- Items from Trust Management meetings
- Items from Staff side meetings.
- Consultation on strategic planning including the allocation of resources which have workforce-planning implications.
- Consultation on consequential administrative or operational decisions, where these are likely to affect the job prospect or job security of particular groups or occupations.

4.1.8 Either side may introduce an issue for consultation in the form of written proposals.

It is not the intention of this Agreement to exclude the rights of the accredited staff side representatives of the Trust to represent their members, nor to prevent local agreements, concerning working practices in individual departments being concluded. The aim is to for local resolution in the first instance, by direct liaison between staff representative/s and managers, providing such locally agreements are without precedent to collective negotiations within the purview of the JNCC.

4.2 Constitution of the JNCC

4.2.1 The JNCC shall consist of representatives as follows:

- The Trust Executives: up to 6 management side representatives including the Chief Executive and HR Director (or Deputies).
- The Staff Representatives; up to 6 seats, to be nominated by the organisations accredited by the Trust, as appointed by the Staff Side Representatives Committee. All recognised trade unions and professional bodies of the Staff Side committee have the right to be represented within the JNCC. The Staff Side Lead will ensure an even spread of representatives across all recognised unions, with a minimum of representatives from 3 organisations. It is recognised that the Staff Side representatives may vary at each meeting to reflect the matters being considered where professional contribution and expertise would either be pertinent or preferable.

4.2.2 Chairperson

- The Chair of the JNCC will be the Chief Executive or designated Executive Director of the Trust as appropriate.

4.2.3 Secretary

- Each side shall appoint its own secretary to facilitate its meetings. Key points and action points of the meeting will be taken and will be circulated no more than 7 days after the meeting unless otherwise agreed. The JNCC members will agree from time to time the arrangements and responsibility for preparing and circulating the key points and action notes.
- The Management Side secretary will seek agenda items from management side and from the Staff Side Lead. Agendas will be circulated 7 days in advance.

4.2.4 Quorum

- The Quorum will be 5 full members with a minimum of 3 staff side representatives and 2 Executive Directors.

4.2.5 Sub Groups

- When it is considered appropriate, the JNCC can decide to appoint a sub-committee, to hold detailed discussions on a particular issue/s in accordance with the terms of reference agreed by the JNCC.
- The JNCC may co-opt on to any sub-group members who are not JNCC representatives but may add a professional expertise.
- The sub-group shall report its findings to the JNCC for discussion, consideration and final ratification.

5.0 SECTION 5

5.1 Staff Side Lead

The Staff Side Lead will be seconded into the role, following a biennial (every two years) election process. The proposed candidate will be subject to approval and agreement between the HR Director and the individual's respective line manager.

5.1.1 The role of the Staff Lead is recognised by the Trust as providing a focus for effective communications with all staff side representatives covered by this agreement.

5.1.2 The Staff Side Lead will be the elected representative of the Joint staff side committee.

5.1.3 The Staff Side Lead's responsibilities are seen as:

- Effectively leading and communicating with Staff Side representatives and their members.
- Effective communication with their members.
- Being empowered, by the Staff Side representatives

Organisations and their members, to consult and negotiate on their behalf.

5.1.4 For the duration of the secondment period, the Staff Side lead will sign a new Job Description in line with the role and responsibilities at the assessed banding. Following such secondment period/s the Staff Side Lead will return to a post within the Trust, which will be, wherever possible, to the same duties and responsibilities prior to their secondment, and which carries pay and conditions no less favourable than their substantive position, unless by choice.

5.2 Election process

5.2.1 The annual election process will be undertaken in line with the respective staff side constitutional arrangements.

5.3 Applications for Recognition

5.3.2 Any Trade Union or representative organisation not recognised under this agreement may apply to the Director of Workforce in writing, for formal recognition. This application will then be submitted to the following JNCC meeting for consideration. The respective Trade Union representative or professional organisation will be notified in writing of the decision reached by the JNCC.

5.4 Functions of Staff Side Representatives

5.4.1 The Trust and Staff Side representatives recognise that the employee relations functions of Staff side representatives are important duties, and carry important responsibilities which may include:

- Representing a group or individual.
- Undertaking employee relations, which includes receiving information, consultation and negotiation on behalf of members.
- Communicating with members and on their behalf with managers at all levels.
- Representing Staff Side representatives at local, regional or national level.
- Attending and or organising meetings such as Branch meetings, Group or one to one meetings with Managers and or Staff.
- Representatives will be responsible to and for a particular group of members within designated areas.

5.4.2 Staff side representatives will be treated fairly and equitably and will not in any way be treated detrimentally or be disadvantaged as a result of the role they hold.

5.5 Time Off and Facilities.

5.5.1 Staff side representatives are entitled to take reasonable paid time off paid at their normal rate during their normal working hours, to:

- Carry out staff side representative activities as listed in 5.4.1
- Undergo training
- Attend meetings at management's request
- Attending training courses

5.5.2 The Trust will give special consideration to staff side representatives who have to undertake union activities on days that they would normally not work. Consideration will also be given to representatives if a meeting with management goes on outside the person's normal working hours. In such cases representatives will be paid or take accrued time off in lieu as per AfC terms and conditions.

Similarly the Trust will need to review time off provision against changes in service provision and minimise its impact.

5.5.3 Where meetings are called by representatives with their members during normal working hours, the representative will notify the appropriate manager/s of department/s concerned and agree arrangements, including time and location.

5.5.4 All time off must be arranged with the prior approval of management. Prior to taking time off for, Union activities, the representative shall inform the Departmental Manager of the need and reasons for the request. Notice should be given to enable Managers to cover the representative's work. Permission will not unreasonably be withheld.

5.5.5 Formal time off for staff side training, annual conferences, etc must have prior approval in line with the Trust's Study Leave policy.

5.6 Facilities

5.6.1 The Trust will endeavour to provide available facilities to ensure staff side representatives are able to undertake Staff Side representative's activities. This will include:

- The use of IM&T equipment and use of E-Mail facilities.
- Meeting room/s.
- Office facilities where the amount of work justifies this, and for secure storage.
- The use of the telephone and internal postal system
- The use of notice boards for the sole use of Staff Side representatives.

5.6.2 Staff side representatives may have access to all documents including copies of Trust agreements which set out terms and conditions of employment and matters that effect employees such as departmental rules, training literature

and minutes of relevant meetings.

5.7 Training

5.7.1 It is the responsibility of the Staff Side representatives to ensure their representatives are appropriately trained and briefed on their duties, rules and practices of their representative's organisations and the appropriate agreements and procedures and the practice of employee relations.

5.7.2 Joint training initiatives will be carried out by both Staff Side organisations for both staff side representatives and managers in a range of areas including disciplinary training, harassment and bullying and grievance and disputes.

5.7.3 In addition to this the JNCC will engage in training activities for staff of the Trust as appropriate.

5.8 Failure to Agree

5.4.1 Both sides agree that at each stage of the procedure, as set out in this Agreement, that every attempt will be made to resolve issues raised and that until such procedure has been exhausted there shall be no cessation of work activity or interruption to service provision, or other action. Whilst this procedure is in operation the "Status Quo" will apply unless there are exceptional circumstances for affecting the change, such as Health & Safety or Patient Care.

5.4.2 Major issues which have failed to be resolved locally after determined efforts by both sides, may ultimately be referred to ACAS for conciliation and, failing that where both parties agree, arbitration.

5.8 Variation

5.5.1 Any disagreement as to the interpretation of this agreement will be referred to the HR Director and Staff Side Lead of the JNCC in the first instance. In the event of a failure to agree the matter(s) in question should be dealt with in accordance with the Trust's Grievance Procedure.

5.9 Review of Agreement

5.6.1 This Agreement may be subject to changes as a result of employment law or structural arrangements as recognised by the JNCC.

5.6.2 In the event of the JNCC arrangements breaking down and having exhausted steps previously outlined in this agreement, a formal review of the arrangements described may be necessary.

5.6.3 The agreement may be terminated by either party serving

three months' notice in writing to the other side.

6.0 Appendices:

Appendix 1 - Recognised Staff Side Organisations (page 16)

RECOGNISED STAFF SIDE ORGANISATIONS

BAOT	British Association of Occupational Therapists
BDA	British Dietetic Association
BDA	British Dental Association
BMA	British Medical Association
BIOS	British and Irish Orthoptic Society
CSP	Chartered Society of Physiotherapy
FCS	Federation of Clinical Scientists
GMB	General and Municipal Boilermakers
RCM	Royal College of Midwives
RCN	Royal College of Nursing
SoR	Society of Radiographers
UNISON	
UNITE	
HCSA	Hospital Consultants and Specialist Association