

Recognition Agreement and Policy For Joint Negotiation and Consultation (H24)

If you require a copy of this policy in an alternative format (for example large print, easy read) or would like any assistance in relation to the content of this policy, please contact the Equality and Diversity team on 01803 656680.

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Date of Issue:	March 2018	Next Review Date:	July 2023
Version:	1.2	Last Review Date:	July 2021
Author:	People Hub		
Directorate:	People Directorate		
Approval Route			
Approved By:		Date Approved:	
Staff Side		16 March 2016	
JCNC		March 2018	
Links or overlaps with other policies:			
Time off for Trade Union Duties, Training & Activities			

Amendment History

Issue	Status	Date	Reason for Change	Authorised
1.1		March 2018	General Review No changes	Staff Side Chair & HR
1.2	Approved	July	Updated wording around People Hub Team & People Directorate / contact details / logo / Version / date	People Hub

Rapid Equality Impact Assessment

Policy Title (and number)		H24 Recognition Agreement	Version and Date		March 2018
Policy Author		People Hub			
An (e)quality impact assessment is a process designed to ensure that policies do not discriminate or disadvantage people whilst advancing equality. Consider the nature and extent of the impact, not the number of people affected.					
Who may be affected by this document?					
Patients/ Service Users <input type="checkbox"/>		Staff <input checked="" type="checkbox"/>	Other, please state... <input type="checkbox"/>		
Could the policy treat people from protected groups less favorably than the general population?					
<i>PLEASE NOTE: Any 'Yes' answers may trigger a full EIA and must be referred to the equality leads below</i>					
Age	No <input type="checkbox"/>	Gender Reassignment	No <input type="checkbox"/>	Sexual Orientation	No <input type="checkbox"/>
Race	No <input type="checkbox"/>	Disability	No <input type="checkbox"/>	Religion/Belief (non)	No <input type="checkbox"/>
Gender	No <input type="checkbox"/>	Pregnancy/Maternity	No <input type="checkbox"/>	Marriage/ Civil Partnership	No <input type="checkbox"/>
Is it likely that the policy could affect particular 'Inclusion Health' groups less favorably than the general population? (substance misuse; teenage mums; carers ¹ ; travellers ² ; homeless ³ ; convictions; social isolation ⁴ ; refugees)					No <input type="checkbox"/>
Please provide details for each protected group where you have indicated 'Yes'.					
VISION AND VALUES: Policies must aim to remove unintentional barriers and promote inclusion					
Is inclusive language ⁵ used throughout?					Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Are the services outlined in the policy fully accessible ⁶ ?					Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Does the policy encourage individualised and person-centered care?					Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Could there be an adverse impact on an individual's independence or autonomy ⁷ ?					Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
EXTERNAL FACTORS					
Is the policy a result of national legislation which cannot be modified in any way?					Yes <input type="checkbox"/> No <input type="checkbox"/>
What is the reason for writing this policy? (Is it a result in a change of legislation/ national research?)					
It details the local consultation and negotiation arrangements between TSDFT, the Trades Unions and the Professional Bodies.					
Who was consulted when drafting this policy?					
Patients/ Service Users <input type="checkbox"/>		Trade Unions <input type="checkbox"/>	Protected Groups (including Trust Equality Groups)		<input type="checkbox"/>
Staff <input type="checkbox"/>		General Public <input type="checkbox"/>	Other, please state... <input type="checkbox"/>		
What were the recommendations/suggestions?					
Does this document require a service redesign or substantial amendments to an existing process?					Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>PLEASE NOTE: 'Yes' may trigger a full EIA, please refer to the equality leads below</i>					
ACTION PLAN: Please list all actions identified to address any impacts					
Action			Person responsible		Completion date

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1 Policy Statement

- 1.1 Torbay and South Devon NHS Foundation Trust (TSDFT) and all Trade Unions and Professional Bodies recognize that it is mutually beneficial to work in partnership to achieve good employee relations. This is fundamental to ensuring an efficient and successful organization able to implement the NHS modernization agenda.
- 1.2 To this end, TSDFT will encourage its staff to join the appropriate Trades Unions and Professional Bodies.

2 Introduction

- 2.1 This agreement is made between the Torbay and South Devon NHS Foundation Trust (TSDFT) and the Trade Unions and Professional Bodies and conforms to Section 26 of the Agenda for Change Terms & Conditions of Service Handbook. It details the local consultation and negotiation arrangements between TSDFT, the Trades Unions and the Professional Bodies.

3 Scope

- 3.1 This policy applies to all staff employed by Torbay & South Devon NHS Foundation Trust, together with those on a joint contract with the organisation and another employer.

4 Equality and Diversity Statement

- 4.1 The Trust is committed to preventing discrimination, valuing diversity and achieving equality of opportunity. No person (staff, patient or public) will receive less favourable treatment on the grounds of the nine protected characteristics (as governed by the Equality Act 2010): sexual orientation; gender; age; gender re-assignment; pregnancy and maternity; disability; religion or belief; race; marriage and civil partnership. In addition to these nine, the Trust will not discriminate on the grounds of domestic circumstances, social-economic status, political affiliation or trade union membership.
- 4.2 The Trust is committed to ensuring all services, policies, projects and strategies undergo equality analysis.

5 Roles and Responsibilities

- 5.1 Trust Management are responsible for ensuring all managers are aware of this policy and comply with its terms. People Directorate shall be responsible for coordination of all JCNC meetings and the production of all agenda papers and minutes.
- 5.2 Staff representatives shall be responsible for ensuring they are aware of and comply with the terms of this policy.

6 Recognition

6.1 TSDFT recognises the JCNC as the official forum for local negotiation/consultation, membership of which will be made up from recognised Trade Unions and Professional Bodies (hereafter referred to as the Trades Unions) identified in Section 40 of the Agenda for Change Terms and Conditions of Service Handbook (paragraph 40.15). Both parties to this agreement acknowledge that the JCNC is established for local negotiation and consultation only, and recognise the authority of the National Staff/Management Council established for the negotiation of nationally determined Agenda for Change pay, terms and conditions, which the local forum may not amend.

7 Purpose

7.1 The remit of the TSDFT JCNC is to provide a forum for:

- i) Negotiation - To provide a recognised and systematic means of negotiation between the employer and accredited representatives of Trade Unions and Professional Organisations on all relevant issues affecting the operation and in particular the terms and conditions of employees of TSDFT that are to be determined locally in accordance with the Agenda for Change Handbook.
- ii) Consultation - upon key issues affecting the terms and conditions of employment in line with Section 178 of the Trade Union and Labour Relations (Consolidation) Act of 1992 and the European Information and Consultation Directive 2004. Consultation is the exchange of views based on the general principle that the mere passage of information is not consultation. Consultation involves an opportunity to influence decisions and their application.
- iii) Information – keeping each side fully informed of all relevant matters.

8 Constitution and General Principles

8.1 TSDFT JCNC will be constituted from Management and accredited staff representatives of Torbay and South Devon NHS Foundation Trust (TSDFT).

8.2 Staff representatives will be selected from accredited representatives of all recognised Trades Unions & Professional Bodies of TSDFT (10 max).

8.3 Management representatives will include;

Executive Team or designated deputies
Deputy HR Director
HR Managers (1)
Management Representative's or designated deputies (8 max)

- 8.4 Membership will be limited to 10 representatives from Management and up to 10 Staff representatives per meeting. There will be an opportunity for co-opted members to attend by agreement of the group.
- 8.5 The Quorum will constitute five Management representatives and five Staff representatives from three different Trades Unions.
- 8.6 **Chairperson.**
The Chair Person role will alternate bi-monthly between the employer's representatives and the staff side representatives. Both Management and Staff Side membership of the JCNC shall choose an individual from within their own ranks who will act as Chair Person when required. Both Staff Side and Management should identify individuals who can deputise for their nominated Chair Person in their absence
- 8.7 **Special Interest Groups.**
Following joint approval the JCNC may appoint sub-groups with delegated authority to deal with matters of special interest or concern, e.g. matters relating to a specific occupational group. The JCNC shall determine membership of these sub-groups jointly. The sub-groups will report back to the JCNC their findings and recommendations.
- 8.8 **Specialist Advisors.**
Following joint agreement, invitations may be extended to other persons to attend the JCNC for the purpose of making a particular contribution or giving specialist advice.
- 8.9 The TSDFT JCNC will meet on a bi-monthly basis in the first instance, reverting to monthly basis when the JCNC deem appropriate. The Secretary will be responsible for the production of agendas, minutes, and documents for discussion. The Chairperson, (or in their absence the Vice-Chairperson) and Staff representatives Secretary will be consulted on the accuracy of the minutes, which will then be circulated within two week of the meeting.
- 8.10 Both management and staff side will have the ability to call special meetings of the JCNC, if agreed by both sides.
- 8.11 The names of representatives, contact details, the Union they represent and function they carry out, will be notified officially in writing to the JCNC Secretary and People Directorate. Changes of representatives shall be notified to the JCNC Secretary and People Directorate immediately they occur.
- 8.12 **Accountability.**
Members of the JCNC are individually accountable to their respective organisations for the agreements reached within the JCNC and are responsible for reporting back to their organisation.

9 Maintaining Good Employee Relations

- 9.1 Both sides agree that it is in their mutual interest to observe a sound negotiating agreement by which all issues arising between them can be considered and resolved.

10 Contact Details

- 10.1 Any queries regarding this policy should be directed to the People Hub Team within the People Directorate.

- People Hub Advice Line – 01803 655754 (ext. 55754) or
- Email - tsdft.humanresources@nhs.net

11 Monitoring, Audit and Review Procedures

- 11.1 This policy will be monitored and audited on a regular basis. A full review will take place every two years by the People Directorate unless legislative changes determine otherwise.
- 11.2 This policy/agreement is not legally binding and is binding in honour only, and can be terminated by either side giving three months' notice in writing together with cogent reasons why termination is deemed necessary.