

# Trade union time off and facilities policy

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# 1 Introduction

- 1.1 The Trade Union facilities arrangements which apply to the Fire Brigades Union (FBU) and Fire Officers Association (FOA) are attached as Appendices 1 and 2. Appendix 1 was originally agreed at the Authority meeting on 15 September 2005, see FEP771; Appendix 2 was originally agreed with the FBU in September 2008.
- 1.2 The revised Appendices 1 and 2 were agreed with the FBU and FOA in 2014.
- 1.3 Appendix 3 was agreed within the Brigade Joint Committee for Health, Safety and Welfare (BJCHSW) in December 2019. Whilst this covers all trade unions represented within the BJCHSW (FBU, FOA, GMB, UNISON), it is of primary relevance to FBU station-based safety representatives.
- 1.4 The trade union facilities agreement which applies to GMB and Unison is attached as Appendix 4. This was jointly agreed under the auspices of the Joint Committee for Support Staff (JCSS), and implemented on 26 September 2013. This agreement was updated on 3 October 2023 to reflect the change that Control Staff have their own separate trade union committee (Joint Committee for Control Staff – JCC) and facilities agreement in Policy number 991 and therefore the name of the JCSS changed to the Joint Committee for Fire and Rescue Staff (JCFRS).
- 1.5 The trade union facilities arrangements which apply to GMB, Unison and FBU representatives within the purview of the Joint Committee for Control are attached as Appendix 5. These arrangements have been agreed with GMB and UNISON within the Joint Committee for Control and were implemented on 22 April 2022.
- 1.6 This policy should be applied in line with the Brigade's values:
  - Service – We put the public first.
  - Courage – We step up to the challenge.
  - Learning – We listen so that we can improve.
  - Teamwork – We work together and include everyone.
  - Equity – We treat everyone fairly according to their needs.
  - Integrity – We act with honesty.

# 2 Help and support

- 2.1 Please contact the HR Helpdesk on extension 89100 option 3 or by email to [IT.HR@london-fire.gov.uk](mailto:IT.HR@london-fire.gov.uk). Requests from operational staff for trade union time off and facilities should be emailed to [applicationsforfacilities@london-fire.gov.uk](mailto:applicationsforfacilities@london-fire.gov.uk). Requests for Health and Safety related time off and facilities should be emailed to [notificationofhealth&safetyfacilities@london-fire.gov.uk](mailto:notificationofhealth&safetyfacilities@london-fire.gov.uk).
- 2.2 This policy may also be available on request in other alternative accessible formats as set out in Policy number 290 – Guidance note on translation and interpretation. Please contact Communications on extension 30753 and by email to [communications.team@london-fire.gov.uk](mailto:communications.team@london-fire.gov.uk) to discuss your needs and options.
- 2.3 The Brigade invites your engagement so that it can learn so if you have a suggestion that can improve this policy then please submit your idea via the Staff Suggestion Scheme on Hotwire as set out in [Policy number 887](#) – Staff suggestion scheme. Any changes do need to go through the agreed engagement, consultation, negotiation or governance requirements.

# Appendix 1 - Trade union facilities - arrangement with FBU and FOA

## 1 Parties to agreement and staff in scope

This agreement is made between the London Fire & Emergency Planning Authority ('the Authority') and the London Region Fire Brigades Union and the London Branch of the Fire Officers Association ('FOA'). It applies to staff within the purview of the National Joint Council for Local Authorities Fire & Rescue Services.

## 2 General statement of policy

The purpose of this agreement is to aid and improve the effectiveness of relationships between the Authority and the FBU and FOA. This agreement is in accordance with the ACAS Code of Practice 'Time off for trade union duties and activities' ('the ACAS Code').

Facilities set out in this agreement are subject to compliance with the following principles:

- Time off, with or without pay, must be sought and agreed in advance in accordance with the requirements of this agreement. Requests for time off must be made as far in advance as possible in the circumstances.
- Granting of requests for time off have to be balanced with the requirement placed on the Authority to provide a properly staffed service. The maintenance of operational cover remains paramount. All release is therefore subject to the exigencies of the service.
- Regard will be had to the ACAS Code.

Health and safety facilities will also be managed in line with:

- The Health and Safety at Work etc. Act 1974 - (the 1974 Act).
- The Regulations, code of practice, and guidance relating to the Safety Representatives and Safety Committees Regulations 1977 (as amended) – (the Regulations).

## 3 Accreditation of lay officials

The FBU and FOA shall notify the Authority in writing of lay officials appointed by them, and any changes among those officials. No time off or other facilities shall be granted to lay officials until such notification is received. Constituencies of lay officials shall be defined between the Authority and the trade unions. The Brigade's lay officials and Safety Representatives database will be managed by the Brigade's Trade Union Facilities Officer.

## 4 Time off for Trade Union duties

The Authority will permit employees who are officials of the FBU or FOA to take reasonable paid time off during their working hours for the purpose of undertaking trade union duties.

As set out in the ACAS Code, trade union duties are concerned with negotiations with the employer on specified matters, and other functions on behalf of employees which the employer has agreed the union may perform. Within LFB, examples of trade union duties include:

- Attendance at joint consultation/negotiation meetings with representatives of the Authority.<sup>1</sup>
- Meetings to prepare for, and/or report back on, consultation/negotiations.<sup>2</sup>
- Individual representation, including preparation time, at grievance and disciplinary meetings.

Paid time off will include reasonable travelling time.

Employees undertaking trade union duties when they would not otherwise have been at work will not receive compensatory leave (Leave in Lieu of Overtime - LILO) or overtime unless authorisation has been agreed in advance by the Trade Union Facilities Officer.

Where management require a representative to attend a meeting and that meeting falls between two night shifts, for each complete hour of travelling and attendance at the meeting, the representative will be entitled to one hour's compensatory time off (LILO). This shall be taken at a time to be agreed with management. Compensatory time off (LILO) for more than one representative in respect of such a meeting will need to be agreed in advance by the Trade Union Facilities Officer. See also appendix 2 for further information on when compensatory leave (LILO) may be agreed.

## **5 Time off for training**

The Authority will permit employees who are officials of the FBU or FOA to take reasonable paid time off during their working hours for the purpose of undergoing training in aspects of industrial relations in accordance with the ACAS Code of Practice: such training shall be:

- Relevant to carrying out their duties; and
- Approved by the TUC or the official's own trade union.

Employees who are Trade Union Learning Representatives are also permitted reasonable time off during working hours to undergo training relevant to their functions as a Union Learning Representative in accordance with the ACAS Code of Practice.

## **6 Time off for Trade Union activities**

The Authority will permit employees who are officials of the FBU or FOA to take reasonable time off during their working hours for the purpose of taking part in trade union activities in relation to which the employee is acting as a representative of the union. Such time will be unpaid. As set out in the ACAS Code, trade union activities concern the participation of trade union members within their trade union. Examples of trade union activities within the ACAS code include:

- Meetings of the trade union where the business of the union is under discussion.
- Attendance at trade union conferences.
- Meetings with full-time officials to discuss issues relevant to the workplace.

Industrial action is not a trade union activity.

## **7 Health and Safety**

Trade Union Safety Representatives shall be permitted to take such paid time off as shall be necessary when undertaking health and safety functions in accordance with the 1974 Act and the 1977 Regulations.

## **8 Trade Union secondments**

The FBU shall be granted full-time trade union release for up to two members for trade union activities/duties. Employees granted full-time release will ensure they are available to meet with representatives of the Authority as required, and will provide contact details (including mobile phone contact details) to the Authority. Employees granted full-time trade union release will relinquish their base post. The Authority reserves the right to withdraw full-time TU release facilities. In these circumstances the affected employee(s) shall be entitled to receive three months notice in writing.

Employees on full-time trade union release will complete two forms on a weekly basis: (i) Advising of planned duties/activities for the forthcoming week, to be sent to the Trade Union Facilities Officer by 12.00 hours of the Friday of the preceding week; and (ii) Advising of actual activities/duties undertaken

over the week, to be sent to the Trade Union Facilities Officer by 12.00 hours of the Monday of the following week.

The administration of officials on full-time release will be undertaken by the Trade Union Facilities Officer; this will include leave and absence.

## 9 Application for time off

All requests for time off, whether paid or unpaid, and all requests for compensatory time off (LILO) for undertaking trade union duties during an off-duty period, should be made in advance by the trade union official as follows, providing the duration, location and attendees of the meeting/event:

- Industrial relations/trade union duties/activities: on the 'TUF/1' form to the 'Applications for Facilities' mailbox.
- Health and safety functions: on the 'TU HS/1' form to the 'Applications for Health and Safety Facilities' mailbox.

At least seven days notice should be given for individual applications, although in exceptional circumstances a shorter period may be accepted. For multiple applications at least three weeks notice should be given, and for release to be agreed under the PROP system (Planned Release of Personnel, see Policy number 717), three months notice should be given. Where release is agreed under PROP, it will not be cancelled under normal circumstances. The TUF/1 and TU HS/1 forms are available by following the paths below:

Start>New Office Document>Forms Stations>Personnel Forms>Application For TU Facilities

Start>New Office Documents>Forms Stations>Personnel Forms>TUH&S Facilities Notification

The Trade Union Facilities Officer, or other authorised officer, will consider the application. For non-station-based staff, there will be liaison with the employee's line manager when determining whether or not release can be agreed. Where release is agreed, TU/TUP or HS/HSP is entered on StARS by the Trade Union Facilities Officer or other authorised officer. No time off is to be agreed, and/or entered on StARS, by local management. Trade Union officials cannot be recorded locally as 'DD' (Detached Duties) when undertaking industrial relations or health and safety duties/activities/functions.

The TUF/1 and TU HS/1 forms will be signed by the Trade Union Facilities Officer, or other authorised officer, indicating whether or not the request has been agreed, along with appropriate comments, and returned to the employee, with copies to relevant parties (this includes PROP and RMC for station-based staff).

At the completion of the activity/duty, staff released from duty are required to return to their normal work duties unless impracticable, and this will be made clear by the TUFO on the TUF/1 or TU HS/1 form.

## 10 Other facilities

Other reasonable facilities may be provided by the Authority on application from the trade unions, e.g. notice boards. Trade union officials are covered by and required to adhere to the provisions of the ICT acceptable use policy (AUP).

## 11 Termination of agreement

Any party to this agreement may withdraw from it on three months notice.

## Notes

<sup>1</sup> Joint meetings include: LFEPA Joint Council, Authority Joint Committee (AJC), Joint Committee for Firefighters (JCF), Joint Committee for Middle Managers (JCMM), joint meetings at Borough and Station level within Operations and Mobilising.

<sup>2</sup> Until further notice, the Authority agrees paid time off for the following trade union meetings:

### **FBU:**

- See Appendix 2.

### **FOA:**

- A monthly branch executive meeting, two hours, to report back on, and prepare for, meetings of the JCMM.

## Appendix 2 - FBU related Trade Union facilities

### 1. London Region Committee meetings

- For watch-based staff on a day shift, day-duty and FDS staff, time off is agreed for an 11.30 hrs. meeting start, and 18.00 hrs finish, plus reasonable travel time. If the meeting finishes prior to 17.00 hrs, station-based staff on days are required to return to station.
- Where the meeting precedes a night shift (either 1<sup>st</sup> or 2<sup>nd</sup> night shift), that night shift will be granted as compensatory leave (TU), subject to the exigencies of the service (i.e. subject to no operational detriment, e.g. appliances off the run).

### 2. Disciplinary etc. hearings

The following general guidelines for time off for formal hearings under the disciplinary procedure (conduct or performance), sickness capability process, and other relevant procedures, apply. Requests to vary these guidelines will be considered on their merits.

- Discipline investigation meetings – duration of meeting and travel time only.
- Stage 1 -- Duration of hearing, travel time, plus two hours preparation and debriefing.
- Stage 2 – Sickness capability/Performance: Duration of hearing, travel time, plus three hours preparation and debriefing.
  - Conduct: Duration of hearing, travel time, plus four hours preparation and debriefing.
- Stage 3 – Sickness capability/Performance: Duration of hearing, travel time, plus four hours preparation and debriefing.
  - Conduct: Duration of hearing, travel time, plus six hours preparation and debriefing.
- If the representative is rostered for a night duty following the day of the hearing, then for Stage 2 & 3 hearings, in cases where duration of hearing, plus travel time, and allotted preparation/debriefing time exceeds 7.5 hours, then that night shift will be granted as compensatory leave (recorded as 'TU'), subject to the exigencies of the service.
- If the representative is rostered for a night duty following the day of the hearing, and compensatory leave (TU) for that night shift cannot be granted for any reason (i.e. Stage 1; total time on case does not exceed 7.5 hours; exigencies of service), then actual time spent on case will be granted as compensatory leave (TU) on a future occasion on an agreed date. In addition, the representative will be granted up to a maximum three hours stand-down at the commencement of the following night shift, subject to the requirement to respond to 999 calls.
- Time off for Attendance Support Meetings – as per discipline investigation meetings, up to a maximum of 4 hours.
- Time off for Sick Pay appeals - as per Stage 1 hearings, as set out above.
- Time off for Medical appeals and hearings under the probation procedure - as per Stage 2 hearings, as set out above.
- Grievance hearings – duration of meeting and travel time only.
- Compensatory leave (LILO) will ordinarily be agreed for off duty representatives for discipline investigation meetings, Stage 1, Stage 2 and Stage 3 hearings, Attendance Support Meetings, and hearings under the probation procedure, but not for grievance hearings, sick pay appeals, or medical appeals. The amount of compensatory leave granted will equate to the time off allowed above, other than the travel time allowed will be one hours travel time each way in all cases. The Trade Union Facilities Officer has discretion to approve additional LILO.

### 3. Area meetings

#### (a) Meetings of FBU area committees

- The Brigade will provide facilities for up to 8 meetings per year; these will need to be arranged outside of school holidays.
- Time off is agreed for a 10.30 hrs meeting start and 16.00 hrs finish, plus travel time (i.e. up to one hour).
- Upon completion of the meeting, station-based staff are required to return to station.
- Ordinarily there will be no compensatory leave for staff working an adjacent night shift. In exceptional circumstances this may be agreed by the Third Officer (Head of Operations, Prevention and Response).

#### (b) Meetings with the area DAC

- Ad hoc meetings between the area DAC and one nominated member of the relevant FBU area committee may be arranged, and where appropriate facilities will need to be applied for in the normal way.

### 4. Borough meetings

#### (a) Meetings of station reps in the borough

- The FBU may arrange meetings, generally no more frequently than quarterly, of their station reps within boroughs. However, no time off will be granted for this purpose. The Brigade will provide a station meeting room for these meetings, and if there is a FBU rep based at that station who is on duty, they may attend whilst 'on the run'. This arrangement will need to be agreed with the station commander in advance to ensure this is not to the detriment of essential training/CFS work etc.

#### (b) Meetings with the Borough Commander

- Ad hoc meetings between the Borough Commander and one nominated FBU rep within the borough may be arranged, and where appropriate facilities will need to be applied for in the normal way.

### 5. Section Meetings

- B&EMM members may attend a quarterly meeting with B&EMM officials.
- Women members may attend a quarterly meeting with WAC officials.
- LGBT members may attend a quarterly meeting with LGBT officials.
- Central Organising Committees of the above three sections may also meet on a quarterly basis; if so, this will be on the same day as the members meeting.
- Time off for the above meetings is agreed for an 11.30 hrs start and 17.00 hrs finish, plus reasonable travel time.
- Upon completion of the meeting, station-based staff on days are required to return to station.
- Officer members (SC and above) may attend quarterly local officer branch meetings. In addition, the Officers Central Organising Committee may meet on a quarterly basis (for all officer meetings, attendees will remain available for mobilising). As a norm, the duration of these meetings will be three hours, plus reasonable travel time. Requests for meetings for all officer members will be made, and dealt with, on an ad hoc basis.

### 6. FBU National Conference

Paid release to attend FBU National Conference will be agreed, as a minimum, as follows: one per watch; four FDS/day duty (on the proviso of only one FDS per rota group); plus full-time secondees.



## Appendix 3 - Health and safety arrangements

### 1 Introduction

- 1.1 Trade unions have always played a vital role in ensuring that people go home safe and well from their work. We know that the healthiest and safest workplaces are those where organisations involve their trade union health and safety representatives and engage them in decisions about health and safety.
- 1.2 The legal obligations of employers to work with recognised trade unions on health and safety are set out in the Health and Safety at Work Act (1974), the Safety Representatives and Safety Committee Regulations (1977) and the Code of Practice and guidance relating to these regulations.
- 1.3 Employers are required to allow appointed safety representatives paid time necessary to carry out their functions and reasonable paid time to undergo training in those functions.

### 2 Functions of safety representatives

- 2.1 Regulation 4(2) of the regulations direct employers to permit safety representatives paid time off as necessary to perform their functions, which are:
  - To investigate potential hazards and dangerous occurrences in the workplace;
  - To examine the causes of accidents in the workplace;
  - To investigate complaints relating to the health and safety of the members that they represent;
  - To make representations to the employer on any of the above matters;
  - To make representation to the employer on general matters affecting the health and safety of employees in the workplace;
  - To carry out inspections of the workplace, including the sites of proposed off-station activities and training;
  - To carry out inspections following over-three-day injuries, notifiable accidents and dangerous occurrences;
  - To inspect documents relevant to the workplace or to the employees they represent;
  - To consult with inspectors from the HSE or any other enforcing authority;
  - To receive information from inspectors;
  - To attend meetings of safety committees, and
  - To represent employees in consultation with their employers.

### 3 General provisions

- 3.1 Trade unions will manage their safety representative resources to minimise impact on operational efficiency and to ensure safety representatives maintain competence for their substantive role, wherever possible.
- 3.2 Where possible safety representatives will carry out their duties in either morning or afternoon slots provided multiple visits or activities are taking place. Most workplace inspections or meetings, including travelling and preparation time, should be arranged within either AM (0930 to 1445) or PM (1445 to 2000).
- 3.3 Safety representatives will endeavour to combine these and other activities (such as BJCHSW side meetings) in order to make best use of their time. Safety representatives are entitled to time off with pay as necessary to fulfil their functions. In this document guidelines have been provided to help safety representatives and the Brigade effectively manage safety representatives' release and the operational activity of the Brigade. Safety representatives will give at least seven days

written notice of the dates and times when they will be released from duty for these functions by submitting a TU HS1 form, indicating the date and time of release and anticipated time of return to duty.

Where appropriate, on return to station the watch officer will notify both RMC and EPT that the safety representative's activity has been completed and the individual is back operational and that the role boards have been updated.

#### 3.4 Safety representatives are entitled to paid release from duty as necessary to fulfil their functions.

Safety representatives' activities should be primarily undertaken on duty days having due regard for the type of activity and the exigencies of the service. It is however recognised that on occasions, such as a regularly programmed meeting, it may not always be possible for safety representatives to carry out their functions on day shifts.

In circumstances such as these safety representatives are to apply in advance to the Trade Union Facilities Manager requesting release from either the preceding or following night duty. When being released on night shifts safety representatives will endeavour to combine activities to make the best use of their time and their agreed release will be predicated on the safety representative's activities and their duration.

FBU safety representatives, whilst on duty, will waive their right to paid release as necessary to fulfil their functions under the following circumstances:

- When the Trade Union Facilities Manager in conjunction with RMC, has exhausted all possible standby moves, taking due regard of PROP figures and rider forecasts, and the Brigade would have to take an appliance off the run in order to release the safety representative from duty.
- When the safety representative is aware that they have been booked on training or other Brigade scheduled appointment on that date, such as the Brigade's occupational health provider or IQMP.

#### 3.5 To avoid any unnecessary impact on service through standby movements, training and work schedules trade union members should avoid undertaking safety representatives' duties between night shifts where a single activity is planned wherever possible.

## 4 Inspections of the workplace

#### 4.1 Safety representatives are entitled to inspect fire stations and other workplaces quarterly, or more frequently with the Brigade's agreement or when there has been a substantial change to the premises or its use.

#### 4.2 Safety representatives should give the person in control of the premises at least 7 days notice, in writing, of their inspection.

#### 4.3 It is not a requirement that a safety representative is accompanied on their inspection, but it is good practice. Safety representatives and station commanders should agree a programme for joint inspections.

#### 4.4 Safety representatives will conduct routine workplace inspections on days when they would have been rostered for a day shift and will be released from duty to complete inspections, to include preparation and travelling time. The expectation is that most workplace inspections, including travelling and preparation time, can be completed in half a day either AM (0930 to 1445)/PM (1445 to 2000). Where two HS2 inspections take place on the same day the expectation is that the whole shift release will be necessary, which will include meal breaks, preparation and travelling time. Particularly large workplaces may require additional time to inspect. Where this is

the case time for the inspection should be agreed in advance with management and notified on the TU HS1 form.

- 4.5 When a safety representative has been released for an AM activity (0930-1445), when they return to their station the watch officer will notify both RMC and EPT that the inspection has been completed and the individual is back on duty, and that the role boards have been updated.
- 4.6 Managers will give safety representatives as much notice as possible of off-station activities and training events in order to allow time for consultation over risk assessments and other safety information, and to allow time to organise inspection of the site (where this is necessary) in good time before the event.
- 4.7 Under normal circumstances, safety representatives inspecting sites for proposed off-station activities or training will be released from a day duty. Safety representatives will be taking advice from the organising manager as to how much time will be necessary, including preparation, travelling and report writing (where relevant or required). In the event it is not possible for the inspection to take place on the safety representative's day duty then they will be entitled to time off in lieu for the inspection (including preparation and travelling time). When a safety representative conducts a site inspection before a night shift or between night shifts and therefore gives notice of release from a night shift, then the provisions of paragraph 3.4 will apply.
- 4.8 Safety representatives inspecting workplaces following complaints or after over-three-day-injuries, notifiable accidents and dangerous occurrences will be released for the time as necessary for the inspection, travelling, preparation and report-writing if they are on a day shift. If they are on a night shift, they will be released for either the preceding or following night duty. If they are on a rota day, they will be entitled to time off in lieu for the time spent on the inspection, preparation, travelling and report-writing.
- 4.9 Safety representatives may interview employees, whether members of their trade union or not, on matters within these provisions. However, employees must be made aware that they have no obligation to talk to or make a statement to a safety representative, if they choose not to do so. Any such interviews should be agreed by management and interviewees should be extended the offer of support from a friend or colleague should they wish to do so.
- 4.10 Safety representatives will also be invited to inspect workplaces and attend pre-start meetings for any works which will significantly affect the normal use of the premises while the work is taking place. Safety representatives will be released for the duration of the meeting. Where the safety representative is not located on the station under discussion then travelling time will be added. The name of any person requesting the attendance of safety representatives at these meetings is to be included when submitting the TU HS1 form.

## 5 Health and safety meetings

### **Brigade joint committee for health, safety and welfare at work (BJCHSW)**

- 5.1 The objectives of the BJCHSW are to promote co-operation between employers and employees in instigating, developing and carrying out measures to ensure the highest standards of health, safety and welfare in the London Fire Brigade and to check the effectiveness of such measures.
- 5.2 The BJCHSW meets monthly to a timetable agreed by the Management and Staff Side Joint Secretaries.
- 5.3 Safety representatives will be released from duty to attend BJCHSW in line with the agreed membership of the respective trade unions of the Committee. No compensatory leave will be

granted for persons attending whilst off duty, unless authorised in advance by the Trade Union Facilities Officer.

- 5.4 There may be occasions when it would benefit the work of the BJCHSW to invite safety representatives to attend who aren't normally part of the committee's constitution. Attendance on this basis will have been agreed in advance by the Joint Secretaries or their deputies and notified to the Trade Union Facilities Officer. Paid release from duty for these safety representatives will be as per paragraph 5.5 with the exception that if the meeting is in their off duty time then they will accrue LILO for the time taken by the meeting plus travelling time to and from home.
- 5.5 Attending safety representatives rostered for a day duty will be released from duty to attend the meeting (including travelling and preparation time). The expectation is that BJCHSW, including travelling and preparation time, will require 5 hours release. Upon completion of the meeting, station-based staff on days are required to return to station, unless further release from duty is required to attend other consultative meetings and notified in advance to the Trades Union Facilities Officer. Safety representatives attending BJCHSW before or between a night duty will be released from either the preceding or following night duty provided additional safety representatives' activities have been scheduled. Where possible additional safety representatives' activities are to be arranged on this day to maximise the time efficiency of the release.

#### **Area joint committee for health, safety and welfare at work (AJCHSW)**

- 5.6 The Area Committees are established for similar purposes to the BJCHSW but for matters affecting the areas rather than the whole Brigade.
- 5.7 The AJCHSW's will meet monthly to a timetable agreed between the relevant Area DAC and Area Safety Coordinators.
- 5.8 Attending safety representatives (i.e. the Area Safety Coordinator or their deputy) rostered for a day duty will be released from duty to attend the meeting (including travelling and preparation time). The expectation is that AJCHSW, including travelling and preparation time, will require 4 hours release from duty.
- 5.9 When the AJCHSW takes place on the same day as the Area Safety Coordinators meeting with their Borough Safety Representatives then a full day's release will be granted to the Area Safety Coordinator or their Deputy. These roles are to be reflected within the appropriate document when notifying in the normal way for auditing purposes.
- 5.10 The Area Safety Co-ordinator or their deputy attending AJCHSW before or between a night duty will be released from either the preceding or following night duty provided additional safety representatives' activities have been scheduled, e.g. meeting with the borough safety representatives. Where possible additional safety representatives' activities are to be arranged on this day to maximise the efficiency of the release.

#### **Area safety co-ordinators meeting**

- 5.11 A meeting of the FBU Area Safety Coordinators with the FBU Regional Health and Safety Coordinator, and their deputy will take place monthly to a timetable agreed between themselves. The purpose of this meeting is to receive and consider information relevant to the health, safety and welfare of the members that they represent and to inspect and consider documents relevant to the workplace.
- 5.12 Attending safety representatives rostered for a day duty will be released from duty for a full day (including travelling and preparation time).

- 5.13 Safety representatives attending the area safety coordinators meeting before or between a night duty will be released from either the preceding or following night duty.
- 5.14 Safety representatives attending the area safety coordinators meeting on their day off will be entitled to time off in lieu for the time taken for the meeting (including preparation and reasonable travelling time).

#### **Area safety co-ordinators meeting with borough safety representatives**

- 5.15 Borough Safety Representatives will meet with the relevant Area Safety Coordinator monthly to a timetable agreed between themselves, but where possible coinciding with meetings of the relevant AJCHSW.
- 5.16 Attending safety representatives rostered for a day duty will be released from duty to attend the meeting (including travelling and preparation time). The expectation is that the Area Safety Coordinators meeting with Borough Safety Representatives, including travelling and preparation time, will require up to 5 hours release from duty. Subject to the general principles outlined within section 3, upon completion of the meeting, station-based staff on days are required to return to station.
- 5.17 No compensatory leave will be granted for persons attending while off duty, which includes attending before or after a night shift.

#### **Borough co-ordinators meeting with station safety representatives**

- 5.18 Station safety representatives will meet bi-monthly with the relevant Borough Safety Representative to a timetable set by the Borough Safety Representative.
- 5.19 Attending safety representatives rostered for a day duty will be released from duty to attend the meeting (including travelling and preparation time). The expectation is that the Borough Coordinators meeting with Station Safety Representatives, including travelling and preparation time, will require up to 4 hours release from duty. Upon completion of the meeting, station-based staff on days are required to return to station.
- 5.20 No compensatory leave will be granted for persons attending while off duty, which includes attending before or after a night shift.

#### **Other meetings**

- 5.21 The work of the BJCHSW and AJCHSW will require other meetings, usually between managers and safety representatives, in order to facilitate their functions. Notification of paid release (on a TU HS1 form) will need to be submitted in the normal way and the duration of the time off agreed with and copied in to the relevant management in advance. Paid release from duty for safety representatives for these meetings will be as follows:
- The time of the meeting plus travelling time and time as necessary for preparation and report writing for safety representatives who would otherwise have been on a day duty. Upon completion of the meeting, station-based staff on days are required to return to station if concluded before 17.00hrs.
  - Time off in lieu for the time of the meeting plus travelling time and time as necessary for preparation and report-writing for safety representatives attending meetings who would otherwise have been on rota days.
  - Safety representatives attending meetings scheduled before or between a night duty will be released from either the preceding or following night duty provided additional safety representatives' activities have been scheduled. Where possible additional safety representatives' activities are to be arranged on this day to maximise the time efficiency of the release.

## **6 Paid time off for health and safety training**

- 6.1 Safety representatives will be permitted reasonable time off with pay for health and safety training.
- 6.2 As soon as possible after their appointment safety representatives will be permitted time off with pay to attend basic training provided by the TUC or organised by their trade union.
- 6.3 Safety representatives will require further training where they have special responsibilities or where it is necessary to meet changes in circumstances or legislation.
- 6.4 Safety representatives may also need to acquire new skills in order to carry out their functions such as using legal and official information on health and safety matters.
- 6.5 The length of training required may vary, but basic training should take into account the functions of safety representatives placed on them by the Regulations. The trade unions are responsible for appointing safety representatives and informing management of those safety representatives who require training.
- 6.6 The level of release to attend training courses will be dependant on the type, duration or frequency of the course and will not exceed more than three persons per watch; however individual circumstances will be considered and will not be unreasonably declined.

# Appendix 4 – Trade Union Facilities agreement with GMB and UNISON

## 1 Parties to agreement and staff in scope

This agreement is made between the London Fire Commissioner ('the Commissioner') and the LFC branches of GMB and UNISON. It applies to staff within the purview of the Joint Committee for Fire and Rescue Staff who are members of GMB or UNISON.

## 2 General statement of policy

The purpose of this agreement is to aid and improve the effectiveness of relationships between the London Fire Commissioner and the GMB and UNISON. This agreement is in accordance with the ACAS code of practice 'time off for trade union duties and activities' ('the ACAS code').

Facilities set out in this agreement are subject to compliance with the following principles:

- Time off, with or without pay, must be sought and agreed in advance in accordance with the requirements of this agreement. Requests for time off must be made as far in advance as possible in the circumstances.
- Granting of requests for time off have to be balanced with the requirement placed on the London Fire Commissioner to provide a properly staffed service and therefore all release is subject to the exigencies of the service.
- Regard will be had to the ACAS code.

## 3 Accreditation of lay officials

The GMB and UNISON shall notify the London Fire Commissioner in writing of lay officials appointed by them, and any changes among those officials. No time off or other facilities shall be granted to lay officials until such notification is received. Constituencies of lay officials shall be defined between the London Fire Commissioner and the trade unions.

## 4 Time off for trade union duties

The London Fire Commissioner will permit employees who are officials of GMB or UNISON to take reasonable paid time off during their working hours for the purpose of undertaking trade union duties.

As set out in the ACAS code, trade union duties are concerned with negotiations with the employer on specified matters, and other functions on behalf of employees which the employer has agreed the union may perform. Within LFB, examples of trade union duties include:

- Attendance at joint consultation/negotiation meetings with representatives of the London Fire Commissioner.<sup>1</sup>
- Meetings to prepare for, and/or report back on, consultation/negotiations.<sup>2</sup>

<sup>1</sup> Joint meetings include: Authority Joint Committee (AJC), Joint Committee for Fire and Rescue Staff (JCFRS).

<sup>2</sup> Until further notice, the London Fire Commissioner agrees paid time off for the following:

### **GMB/UNISON:**

A monthly meeting of its Branch Committee, two hours, to report back on, and prepare for, meetings of the JCFRS.

Appropriate trade union conferences

- Individual representation, including preparation time, at grievance and disciplinary meetings.

Paid time off will include reasonable travelling time.

Employees undertaking trade union duties when they would not otherwise have been at work will not receive compensatory leave or overtime. Where management requires a representative to attend a meeting and that meeting falls between that representative's two night shifts, for each complete hour of travelling and attendance at the meeting, the representative will be entitled to one hour's compensatory leave (CL) time off. Compensatory leave shall be taken at a time to be agreed with management.

## **5 Time off for training**

The London Fire Commissioner will permit employees who are officials of the GMB or UNISON to take reasonable paid time off during their working hours for the purpose of undergoing training in aspects of industrial relations in accordance with the ACAS code of practice: such training shall be:

- Relevant to carrying out their duties; and
- approved by the TUC or the official's own trade union.

Employees who are trade union learning representatives are also permitted reasonable time off during working hours to undergo training relevant to their functions as a Union Learning Representative in accordance with the ACAS code of practice.

## **6 Time off for trade union activities**

The London Fire Commissioner will permit employees who are officials of GMB or UNISON to take reasonable time off during their working hours for the purpose of taking part in trade union activities in relation to which the employee is acting as a representative of the union in accordance with the ACAS code. As set out in the ACAS code, trade union activities concern the participation of trade union members within their trade union. Examples of trade union activities within the ACAS code include:

- Meetings of the trade union where the business of the union is under discussion.
- Attendance at trade union conferences.
- Meetings with full-time officials to discuss issues relevant to the workplace.

Industrial action is not a trade union activity.

## **7 Health and safety**

Trade union safety representatives will receive paid time off when undertaking health and safety functions in accordance with the Safety Representatives and Safety Committees Regulations.

## **8 Trade union secondments**

The level of block release for GMB and Unison representatives will be reviewed periodically. Employees granted block release will ensure they are available to meet with representatives of the London Fire Commissioner as required during their block release period/on duty period, and will provide contact details (including mobile telephone contact details) to the London Fire Commissioner. The London Fire Commissioner reserves the right to withdraw TU block release facilities. In these circumstances the affected employee(s) shall be entitled to receive three months notice in writing.

The administration of officials on block release will be undertaken by the Brigade's trade union facilities officer; this will include leave and absence.

The block release for the staff side secretary (GMB) is currently two and half days per week and for UNISON branch officials is five days per month.



## 9 Application for time off

All requests for time off, whether paid or unpaid, should be made by the employee to their line manager. At least seven days notice should be given for individual applications, although in exceptional circumstances a shorter period may be accepted. Applications should be agreed at no lower than FRS F/group commander/senior control commander level, in consultation with the industrial relations manager as appropriate. The industrial relations manager should normally be consulted on requests for release of one full day or more. Where time off is agreed, the authorising line manager will enter 'TU'/'TUP' or 'HS'/'HSP' on StARS, and annotate the PARC card accordingly (to include duty/activity for which release has been granted, and name of authorising manager).

For multiple applications, at least two weeks notice should be given, and these should be agreed with the industrial relations manager.

At the completion of the duty/activity, staff released from duty are required to return to their normal work duties unless impracticable.

## 10 Other facilities

Noticeboards shall be provided on request at each major work location. Other reasonable facilities may be provided by the London Fire Commissioner on application from the trade unions, e.g. use of rooms on London Fire Commissioner premises for agreed trade union duties. Trade union officials are covered by and required to adhere to the provisions of the London Fire Commissioner's ICT acceptable use policy (AUP).

## 11 Termination of Agreement

Any party to this agreement may withdraw from it on three months' notice.

### Notes

<sup>1</sup> Joint meetings include: Authority Joint Committee (AJC), Joint Committee for Fire and Rescue Staff (JCFRS).

<sup>2</sup> Until further notice, the London Fire Commissioner agrees paid time off for the following:

#### **GMB/UNISON:**

- A monthly meeting of its Branch Committee, two hours, to report back on, and prepare for, meetings of the JCFRS.
- Appropriate trade union conferences

# Appendix 5 – Trade union facilities arrangements covering GMB, UNISON and FBU within Control

## 1 Parties to agreement and staff in scope

These arrangements apply to trade union representatives within the purview of the Joint Committee for Control Staff who are members of GMB, UNISON and FBU. There is agreement on these arrangements between the London Fire Commissioner (LFC) and GMB and UNISON within the Joint Committee for Control.

## 2 General statement of policy

The purpose of these arrangements is to aid and improve the effectiveness of relationships between the LFC and the GMB, UNISON and FBU and they are in accordance with the ACAS code of practice 'time off for trade union duties and activities' ('the ACAS code').

The facilities set out are subject to compliance with the following principles:

- Time off, with or without pay, must be sought and agreed in advance. Requests for time off must be made as far in advance as possible in the circumstances.
- Granting of requests for time off have to be balanced with the requirement placed on the LFC to provide a properly staffed service and therefore all release is subject to the exigencies of the service.
- Regard will be had to the ACAS code.

## 3 Accreditation of lay officials

The GMB, UNISON and FBU shall notify the LFC in writing of lay officials appointed by them, and any changes among those officials. No time off or other facilities shall be granted to lay officials until such notification is received. Constituencies of lay officials shall be defined between the LFC and the trade unions.

## 4 Time off for trade union duties

The LFC will permit employees who are officials of GMB, UNISON or FBU to take reasonable paid time off during their working hours for the purpose of undertaking trade union duties.

As set out in the ACAS code, trade union duties are concerned with negotiations with the employer on specified matters, and other functions on behalf of employees which the employer has agreed the union may perform. Within LFB, examples of trade union duties include:

- Attendance at joint consultation/negotiation meetings with representatives of the LFC.<sup>3</sup>
- Meetings to prepare for, and/or report back on, consultation/negotiations.
- Individual representation, including preparation time, at grievance and disciplinary meetings.

Paid time off will include reasonable travelling time.

In accordance with Policy number 573 - Control staff overtime and leave in lieu of overtime (LILO), LILO but not paid overtime, may be claimed by trade union representatives when undertaking trade union duties off duty, and where this has been approved in advance by either the DAC Control or senior control commander. The amount of LILO which can be claimed is: duration of the meeting, plus actual

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<sup>3</sup> Joint meetings include: LFC Joint Committee (LFC JC), Joint Committee for Control (JCC).

travel time to and from home up to a maximum of 1.5 hrs each way. Travel expenses will be reimbursed at the public transport rate and receipts must be provided in support of the claim, or, if no receipt is provided, re-imbusement will be at the relevant Oyster rate.

LILO shall be taken at a time to be agreed with management.

In addition, trade union facilities are granted as set out in Appendix 2.

## **5 Time off for training**

The LFC will permit employees who are officials of the GMB, UNISON or FBU to take reasonable paid time off during their working hours for the purpose of undergoing training in aspects of industrial relations in accordance with the ACAS code of practice: such training shall be:

- Relevant to carrying out their duties; and
- approved by the TUC or the official's own trade union.

Employees who are trade union learning representatives are also permitted reasonable time off during working hours to undergo training relevant to their functions as a Union Learning Representative in accordance with the ACAS code of practice.

## **6 Time off for trade union activities**

The LFC will permit employees who are officials of GMB, UNISON or FBU to take reasonable time off during their working hours for the purpose of taking part in trade union activities in relation to which the employee is acting as a representative of the union in accordance with the ACAS code. As set out in the ACAS code, trade union activities concern the participation of trade union members within their trade union. Examples of trade union activities within the ACAS code include:

- Meetings of the trade union where the business of the union is under discussion.
- Attendance at trade union conferences.
- Meetings with full-time officials to discuss issues relevant to the workplace.

See also Appendix 2.

Industrial action is not a trade union activity.

## **7 Health and safety**

Trade union safety representatives will receive paid time off when undertaking health and safety functions in accordance with the Safety Representatives and Safety Committees Regulations.

## **8 Application for time off**

All requests for time off, whether paid or unpaid, should be made by the employee to their line manager. At least seven days notice should be given for individual applications, although in exceptional circumstances a shorter period may be accepted. Applications should be agreed at no lower than senior control commander level, in consultation with People Services/Industrial Relations as appropriate. Where time off is agreed, the authorising line manager will enter 'TU'/'TUP' or 'HS'/'HSP' on StARS and annotate the PARC card accordingly (to include duty/activity for which release has been granted, and name of authorising manager).

For multiple applications, at least two weeks notice should be given, and these should be agreed by the DAC Control in consultation with People Services/Industrial Relations as appropriate.

At the completion of the duty/activity, staff released from duty are required to return to their normal work duties unless impracticable.

## **10 Other facilities**

Noticeboards shall be provided on request at each major work location. Other reasonable facilities may be provided by the LFC on application from the trade unions, e.g. use of rooms on LFC premises for agreed trade union duties. Trade union officials are covered by and required to adhere to the provisions of Policy number 485 - ICT acceptable use policy (AUP).

## **11 Termination of Agreement**

Any party to this agreement may withdraw from it on three months notice.

## Appendix 6 - Joint Committee for Control – specific facilities provisions

The provisions below are the default guidelines, and management may grant additional release/LILO for specific events/meetings where it is considered that this is appropriate.

<b>1. Trade union duties</b>	
JCC meetings	<p>As far as possible, these will be scheduled on an ad hoc basis by agreement with JCC reps to avoid scheduling on days abutting a night shift (i.e. to avoid scheduling on days 3 or 4 of any rep's tour).</p> <p>Where JCCs take place on a day shift of a JCC rep, the rep will be granted release.</p> <p>Where JCCs take place on days 5 or 6 of a JCC rep's tour, LILO will be granted as per para 4.2 in Policy number 573 - Control staff overtime and leave in lieu of overtime (LILO).</p>
JCC sub-committee meetings	As per JCC.
Other joint meetings	The principles as per JCC will be followed as far as possible, although there may be less control over timing of meetings. For meetings which take place off duty, LILO will be granted as per para 4.2 in Policy number 573 – Control staff overtime and leave in lieu of overtime (LILO), as a minimum.
<b>2. Trade union activities (attendance at internal TU meetings)</b>	
GMB and UNISON Branch Committee meetings, and FBU LRC meetings	<p><b>On duty:</b> Where these take place on duty, release will be facilitated if model staffing targets can be maintained; overtime can be used to cover vacancies if necessary. Staff will be expected to work in Control before the meeting and return to Control after the meeting, where viable.</p>
GMB and UNISON Branch Committee meetings	<p><b>Off duty:</b> Where these are attended off duty, LILO will be granted equal to the duration of the meeting, up to a maximum of 3.5 hours.</p>
FBU LRC	<p><b>Off duty:</b> Where this takes place on days 5 or 6 of the tour, no LILO will be granted.</p> <p>Where this takes place on day 3 of the tour, the following night shift will be granted as facilities, subject to obtaining a volunteer to undertake PAO if model staffing is not met.</p> <p>Where this takes place on day 4 of the tour, commensurate early release from the preceding night shift will be facilitated if model staffing can be maintained.</p>
Other internal TU meetings	<p>Where these take place on duty, release will be facilitated if model staffing targets can be maintained. Staff will be expected to work in Control before the meeting and return to Control after the meeting, where viable.</p> <p>Where these take place off duty, the default is that no LILO will be granted.</p>

# Document history

## Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA	06/03/24	SDIA	L - 17/09/24	HSWIA	11/10/23	RA	N/A
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## Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Page 22	EIA sign off date added.	18/03/2024
Page 2, Para 1.6	Values included.	25/03/2024
Page 2, para 2.2	Access to alternative policy format details added.	08/04/2024
Page 2, para 2.3	Staff Suggestion scheme access details added.	17/05/2024

## Subject list

You can find this policy under the following subjects.

Trade union	Industrial action

## Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification