Trade Union Right of Access

Procedure

Introduction

This procedure sets out how Fife Council will respond to statutory requests from qualifying trade unions for physical and/or digital access to workplaces. It is intended to support constructive industrial relations, ensure requests are handled consistently, and help Services comply with the framework described in the Code of Practice:

Right of trade unions to access workplaces.

- Trade unions may request access to meet, support, represent, recruit or organise workers, or to facilitate collective bargaining.
- Access may be physical, digital, or a combination of both.

Scope

This procedure applies to access requests submitted to Fife Council by a trade union holding a certificate of independence. It covers requests for access to Council workplaces, Council workers, and digital communication channels where these are sought as part of a statutory access request. Where there is already a voluntary access arrangement with a trade union that is satisfactory to both parties, that arrangement should continue to be used and the statutory access process will not apply unless the trade union chooses to make a statutory access request. Existing voluntary arrangements do not need to be formalised through the statutory process.

Relationship with existing trade union arrangements

This procedure is additional to, and does not replace, the Council's existing recognition, consultation, representation, facility-time and access arrangements under EE01 Trade Union Recognition Agreement and EE03 Facilities and Time Off for Trade Union Duties and Activities Agreement.

Nothing in this procedure grants or extends trade union recognition or collective bargaining rights, changes the membership or operating arrangements of existing consultation forums, or creates an additional entitlement to paid time off or funded facility time.

An access agreement does not, by itself, give an individual the status of an accredited Fife Council Trade Union Representative. Where a Council employee requires time off to participate in access arrangements, the request and recording requirements in EE03 will continue to apply.

Existing voluntary arrangements that are satisfactory to the Council and the Trade Union should continue unless the parties agree otherwise or the Trade Union submits a statutory access request.

Principles
Fife Council will consider access requests in good faith and will take reasonable steps to facilitate agreed access where it does not unreasonably interfere with Council business, service delivery, health and safety, safeguarding, security, confidentiality or statutory duties.

Access Request Process
Where a trade union wishes to request access, the request should be submitted by email, using the standard access request template. The request should include the purpose of access, the workers covered, the type of access requested, the proposed location, frequency, duration, notice arrangements, and any assistance requested from the Council.

Services must forward any access request immediately to the Head of HR so that statutory timescales can be monitored from the date the request is received by the Council.

- The receiving Service must acknowledge the request and notify HR without delay.
- HR will identify a lead officer and coordinate the Council response with the relevant Service(s).
- The Council has up to 15 working days from receipt of the access request to issue a response notice.
- Records of the request, acknowledgement, response and any negotiations must be retained.

Responding to a Request
The response should confirm whether the request is accepted in full, accepted in part, declined in full, or declined in part. Where any element is declined, the response must clearly explain which parts are not agreed and the reasons why.

Negotiating Terms of Access
Where the request is not accepted in full, the Council and the trade union should negotiate over a period of 25 working days following the day on which the response notice is given.

- A lead Council contact and lead trade union contact should be confirmed at the start of negotiations.
- The agreement should cover the workers in scope, location(s), format of access, frequency, duration, notice requirements, facilities, privacy, conduct requirements and arrangements for resolving issues.
- The first instance of access will usually only take place when at least five working days' notice has been provided.

If agreement is reached, the Council and the trade union must jointly notify the Central Arbitration Committee (CAC) in writing and provide a copy of the access agreement. HR will retain the agreement and advise relevant Services of implementation arrangements.

Disputes and Referral to the CAC
Where the Council and the trade union cannot agree terms, either party may refer the matter to the CAC. Parties unable to reach agreement have 55 working days from the date the original access request was given to make an application to the CAC, with a possible extension to 70 working days where the CAC considers it appropriate.

Find Out More
Code of Practice: Right of trade unions to access workplaces
Recognition Agreement

For more information or advice and guidance contact HR through First Contact or refer to HR Online on the intranet.

Process Flowchart and Timelines

Step 1 Trade union submits access request to Fife Council	→	**Step 2** Service forwards request to HR immediately	→	**Step 3** Council issues response notice **Within 15 working days**
If request is accepted in full: agree arrangements, jointly notify CAC, implement access and retain records.				
If not accepted in full Council and trade union negotiate terms	→	**Negotiation period** 25 working days from the response notice	→	**Outcome** Agreement reached or matter referred to CAC
CAC referral deadline: if no agreement is reached, either party may refer the matter to the CAC within 55 working days from the date the original access request was given. The CAC may extend this to 70 working days where appropriate.				

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