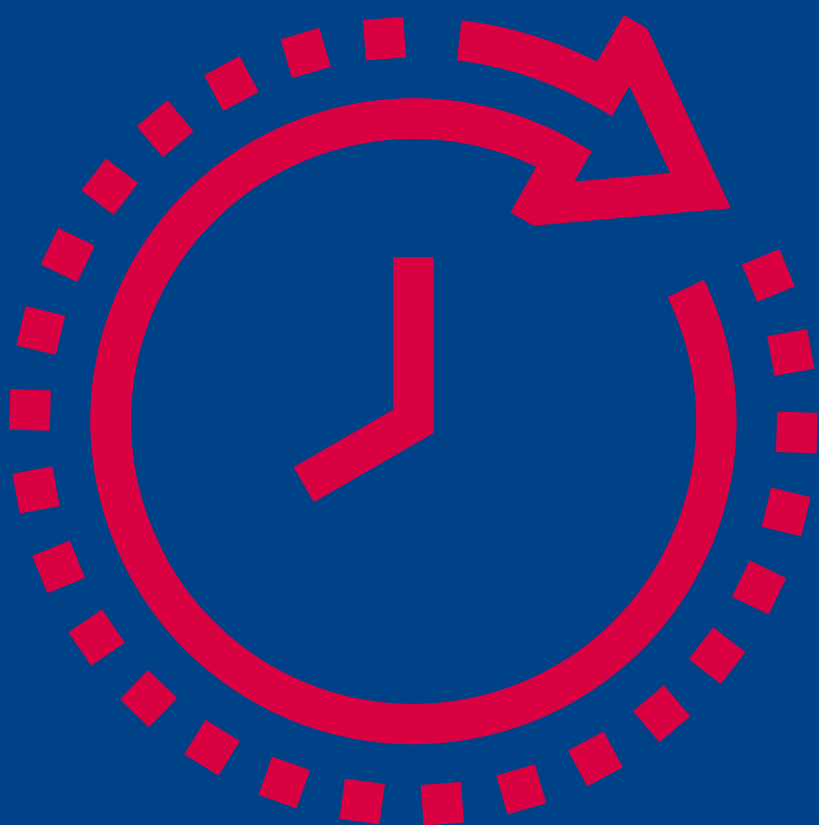


RCN Facilities Time Policy Statement



This publication is due for review in October 2029.

This document has been designed in collaboration with our members to ensure it meets most accessibility standards. However, if this does not fit your requirements, please contact corporate.communications@rcn.org.uk

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This policy sets out:

- the RCN's position on facilities time
- recommendations on accessing and managing facilities time, including:
 - the actions the RCN as an organisation will take to ensure representatives have facilities time
 - the actions RCN representatives are responsible for taking to secure facilities time.

Statement on facilities time

The RCN believes that facilities time is vital to protecting and furthering the interests of our members, the wider nursing workforce, and patients. All representatives with a recognition agreement with their employer should be able to access facilities time to carry out their duties, union activities, and training as is needed, without undue pressure or detriment to the representative.

The RCN will support and train all our representatives to negotiate this for themselves and hold employers to account when this is unreasonably refused.

Levels of facilities time and resourcing

From 1 October 2026, the law¹ (Gov.uk, 2025) will presume that all requests from employees for time out for union duties are reasonable. It will be on the employer to show that they are not.

With this, and the variable nature of nursing workplaces in mind, union representatives should have flexibility to agree with the employer arrangements that are reasonable and sufficient for them to carry out their duties. Based on levels of workload, full-time release may be appropriate.

Reasonable facilities time is a statutory right, not a discretionary benefit. What is reasonable will depend on the size and type of the organisation, number of members represented, complexity of casework, and the nature of the representative's role (such as health and safety representative, learning representative, steward). The time representatives spend on union duties should be proportionate to other unions and the number of workers they are representing, and therefore facilities time should be based on the potential of workload. For example, representatives in a workplace of 500 will likely spend more time on representative duties than a representative in a workplace of 10.

The RCN recommends that hours spent on union duties and training should be backfilled whenever possible. Funding for this should be from central budgets. Facilities time should be a regular time, known and agreed on by staff and managers. If backfilled release is not feasible, reasonable time for duties should still be given.

There should be a clear separation between health and safety representative activity and activity in other representative roles.

The work carried out by health and safety representatives is protected by specific legislation and regulations² (Gov.uk, 1977). They are entitled to paid 'time as shall be necessary' to carry out their functions. This is a fundamental and underpinning entitlement and not an additional benefit. Negotiating an agreed number of hours of facilities time, whether weekly or monthly, will support the health and safety representative, however, it should be noted that they may require additional time depending on issues that arise.

Access to resources and equipment

Alongside time to carry out duties and activities, representatives should be able to access resources from their employers. It should be noted that health and safety legislation mandates provision for these facilities for health and safety representatives³ (Labour Relations Agency, 2019).

These should include but are not limited to:

- use of computer equipment and phones to carry out duties and communicate confidentially with members, for example, email and phone calls
- confidential space within the workplace to meet members, store records and equipment securely, and deal with RCN business
- a formal method for requesting facilities time
- a page on the employer intranet, and space on noticeboards, to communicate with staff
- access as clinically appropriate to meet members in their workplace
- access to carry out health and safety inspections.

Requesting facilities time

In most cases, facilities time requests are most effective when the representative raises them directly with their line manager and then the agreement reached is put in writing.

When doing so, they should be guided by:

- openness, good faith and professionalism
- the principles laid out in this document
- their recognition agreement
- what they think is reasonable, relative to the potential level of union activity and duties
- a recognition that although union duties will reduce their clinical hours, union representatives are vital to creating workplaces which provide high standards of patient care and safety. By helping staff resolve issues early, they support members to return to work.

Wherever possible, facilities time release should first be discussed in person, followed up in writing, and an agreement then reached using the employer's internal policy and templates, or using RCN templates if none exists in the employer. If three formal requests in writing are denied or not responded to by the employer, an RCN officer should be contacted promptly.

What will the RCN provide to assist with requests?

Upon accreditation, all representatives will receive a letter signed by their relevant senior RCN officer and UK representative committee member which reminds the employer of the benefits of facilities time, the legislation they must adhere to, and any recognition agreement.

A letter will also be sent to the Director of Human Resources or equivalent. Information will be provided for representatives to give to their managers. This will clearly set out their legal obligations, along with models of provision that support service planning and protect the wellbeing of the representative.

Representatives will also receive a welcome letter with details of their branch, UK representative committee member(s) and officer. Representatives are encouraged to reach out to their UK representatives committee member, branch or to fellow representatives via RCN channels to receive support and advice on negotiating facilities time.

Branches will also be notified of new representatives upon accreditation and those who have completed their training.

RCN officers and senior officers will support representatives experiencing difficulties in accessing reasonable facilities time.

Resolution of disputes

Where three formal requests in writing have been refused or not responded to by the employer, or a representative feels they need additional support; a representative should contact their RCN officer. Officers should:

- familiarise themselves with the requests from the representative, what time is being sought, responses from the employer, and seek to align consistency across staff side in relation to member density
- assume the request from the representative has been reasonable and seek to reach an agreement between the employer and representative
- ensure that both the supervising manager and central Human Resources are contacted to resolve the issue
- remind the employer of their legislative obligations and that the RCN will consider employers who refuse facilities time requests to be in dispute with the RCN
- refer to any recognition agreement to invoke a formal dispute.

Where a representative feels that they are subject to victimisation or detriment because of their requests for facilities time or other representative activity, they should contact an RCN officer immediately.

Guidance for representatives who are not covered by a recognition agreement

- they should not be prevented by their employer from exercising the rights legislation provides them with, or be subject to pressure or discrimination from management regarding this
- they may reach informal agreements with their manager and employer on time above what is set out in legislation, and the RCN will support them in doing this
- accredited stewards may accompany colleagues to formal meetings such as disciplinaries or grievances
- in workplaces without a union recognition agreement, health and safety representatives can still be appointed, but they typically operate under the Health and Safety (Consultation with Employees) Regulations 1996 rather than the 1977 safety representatives regulations. Employers must consult these 'representatives of employee safety' (ROES) or directly with staff on health and safety matters.
- The 1996 regulations also require the employer to permit health and safety representatives paid time during normal working hours to carry out their duties and undergo training and such other facilities and assistance as they may reasonably require.
 - learning representatives may operate in workplaces where there is no recognition agreement, but there is a learning agreement
 - the RCN will support representatives in workplaces with adequate membership numbers but no recognition agreement to seek recognition by the employer.

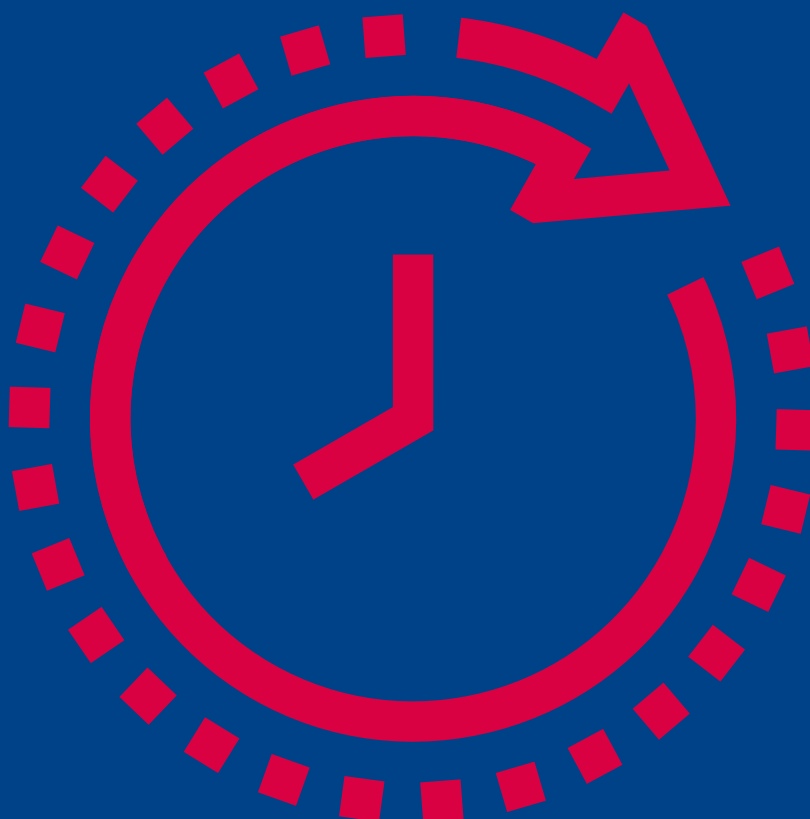
Note: The Employment Rights Act 2025 became law on 18 December 2025. The Act introduced additions and amendments to existing legislation, including the Employment Rights Act 1996. The employment law changes included in the Act will happen in 2026 and 2027. This policy statement will be reviewed in line with further implementation of these changes and any subsequent published The Advisory, Conciliation and Arbitration Service (Acas) guidance.

References

1 Gov.uk (2025) *Employment Rights Act*. Available at: legislation.gov.uk/ukpga/2025/36 (Accessed 17 August 2026).

2 (Gov.uk (1977) *Safety Representatives and Safety Committee Regulations (1977, Northern Ireland 1979)*. Available at: legislation.gov.uk/ukxi/1977/500/contents (Accessed 17 August 2026).

3 *Labour Relations Agency (2019) *Trade Union Representation in the Workplace*. Available at: <https://www.lra.org.uk/sites/default/files/2019-03/Advisory%20Guide%20-%20Advice%20on%20Trade%20Union%20Representation%20In%20the%20Workplace.pdf> (Accessed 18 August 2026).



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