

Date 15/07/2025
Your Ref
Our Ref 10273

Enquiries to Richard Mutch
Extension 35687
Direct Line 0131 465 5687
loth.freedomofinformation@nhs.scot
richard.mutch@nhs.scot

Dear

FREEDOM OF INFORMATION – TRADE UNION FACILITY TIME

I write in response to your request for information in relation to Trade Union facility time.

Question:

- I would like to make a Freedom of Information request on behalf of the Royal College of Nursing. This relates specifically to facility time for accredited trade union representatives. The RCN in Scotland is planning to discuss with your NHS Board the most efficient way of providing employment relations support and partnership working arrangements. We believe that defining the likely time requirement and frequency of requests could be optimised to ensure our members get the services they require efficiently and effectively.

We also expect that by engaging with the board to manage the ERD support effectively will bring benefits to the board, including reduced time to conclude processes, reduce the time members may be unavailable for work through sick leave and/or suspension and decreased uncertainty for staff directly or indirectly involved in case work.

Providing this information will allow us to have an informed conversation with senior board staff about how this can be best achieved, thank you for your support in providing this information.

- Please provide for the NHS Board:
 - the current number of accredited trade union representatives for each health trade union specifying the number who are stewards, health and safety reps and learning reps.
 - the current number of i) stewards ii) health and safety reps and iii) learning reps for each health trade union who have facility time.
 - the current whole time equivalent (WTE) of facility time for each trade union for i) stewards ii) health and safety reps and iii) learning reps
 - for each health trade union, the current total headcount number in rep roles, the total number with facility time, and the current whole time equivalent (WTE) of facility time. Please de-duplicate the totals to reflect that some staff hold more than one role.

Headquarters
Mainpoint
102 West Port
Edinburgh EH3 9DN

Chair Professor John Connaghan CBE
Chief Executive Professor Caroline Hiscox
*Lothian NHS Board is the common
name of Lothian Health Board*

2. Please provide anonymised for each steward from each health trade union, the current per week of a) total facility time hours b) facility hours allocated to partnership role and c) facility hours allocated to case work.
3. A Please provide anonymised for each health and safety rep from each health trade union the current per week of a) total facility time hours b) facility hours allocated to partnership role and c) facility hours allocated to case work. A sample table is provided below to assist with providing this information.
4. Please provide anonymised for each learning rep from each health trade union the current per week of a) total facility time hours b) facility hours allocated to partnership role and c) facility hours allocated to case work. A sample table is provided below to assist with
5. Please provide the following total figures for each health trade union for facility time for trade union representatives:
 - a. the total number of hours per week
 - b. the average number of hours per week

Answer:

In terms of the information that is being requested this is not held centrally by NHS Lothian. The level of detail that is being requested would need to be obtained from each individual union and would suggest that it would be more appropriate for this request to be made directly to the relevant unions.

Under the Freedom of Information Act NHS Lothian is not required to create new records to enable it to respond to your enquiry. This information is not collated or held in aggregate form and it would be necessary to review all case files relating to staff and union activities over the period you have requested to assemble the information you seek. Even if NHS Lothian did this – and there would be significant cost implications in doing so – it would be unable to respond in full to your request. The information requested is therefore exempt under section 12.1 – Cost.

NHS Lothian does however, in line with The Trade Union (Facility Time Publication Requirements) Regulations 2017 publish information on Facility Time given by the organisation in the Board's Annual Accounts. The latest version of the Board's Annual Account can be found at the following link –

<https://org.nhslothian.scot/keydocuments/wp-content/uploads/sites/28/2024/10/NHS-Lothian-Annual-Accounts-2023-2024.pdf>

This information is exempt under Section 25 of the Freedom of Information (Scotland) Act 2002 - Information otherwise accessible

(1) Information which the applicant can reasonably obtain other than by requesting it under section 1(1) is exempt information.

I am sorry I cannot help further with your request.

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the Scottish Information Commissioner's Office online appeals service at www.itspublicknowledge.info/Appeal. If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.

If you require a review of our decision to be carried out, please write to the FOI Reviewer at the email address at the head of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at: <https://org.nhsllothian.scot/FOI/Pages/default.aspx>

Yours sincerely

ALISON MACDONALD
Executive Director, Nursing
Cc: Chief Executive