



**The Professional Trade Union for Prison
Correctional, Public and Private Mental Health
Trust Services Providers and Immigration Services**

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POA Circular 042/2026

**For information: England & Wales, Northern Ireland, Scotland, Special Hospitals,
Private Sector, Immigration Services**

28th May 2026

Dear Colleagues

NATIONAL CHAIR UPDATE MAY 2026

Please bring the contents of this circular to the attention of all POA members.

MEDICAL INEFFICIENCY PROCEDURES RECOMMENCE

The temporary pause on medical efficiency dismissals for staff who are members of the Civil Service Pension Scheme (CSPS) was put in place due to disruption in the provision of medical efficiency compensation quotes following the Civil Service Pensions transition. Without a confirmed and accurate quote, dismissals could not safely proceed, as the organisation was unable to pay compensation and there was a risk of placing staff in financial detriment.

This position has now changed. We are seeing service improvements and quotes now being supplied. Civil Service Pensions is able to provide the necessary medical efficiency calculations required. As a result, managers can now progress medical efficiency cases to dismissal where this is the appropriate and proportionate outcome, in line with policy and following due process. **Medical efficiency dismissal is only appropriate where medical advice confirms that the employee is permanently unable to attend work in a regular and reliable manner. A Civil Service Pensions quote is required before dismissal on medical efficiency grounds** to ensure that the organisation can accurately confirm and pay any medical efficiency compensation the employee is entitled to under the Civil Service Pension Scheme (CSPS). **This is a mandatory requirement within the process, not a discretionary step.**

DIRECTOR GENERAL OF PROBATION POST TO BE RECRUITED

HMPPS have confirmed the following:

The current structure has one Director General (DG) role, DG of Operations, that is accountable for operational delivery across Prisons, Probation and Youth

Custody. Going forward we will have two Director General roles accountable for operational delivery.

One focused on the work of probation and one focused on Prisons.

FACILITY TIME

All local POA representatives are reminded that under the new facilities time agreement announced by the Government there is no longer a restriction on the amount of facility time employers can approve for trade union representatives. **You are reminded that any senior manager who states that you are only allowed a maximum of 8 hours per week facility time (HMPPS) is misleading you as this is simply untrue.** I encourage all local POA committees to negotiate an agreed amount of facility time per week that satisfies all the committee commitments with their local SMT's. Agreeing full-time facility time can be approved locally without the need for approval above that of a local Governor. Workplace inspections for Health and Safety representatives have unlimited facility time that must be approved under legislation to carry out workplace inspections.

Local POA committees should ensure they formalise requests for additional facility time hours by submitting a suggestion for change (SFC) via PSO 8525.

THREATS TO STAFF

The NEC are acutely aware of the ever-increasing threats to staff outside of their workplaces. We will continue to ask for a 'Supplementary risk allowance' so staff are able to increase their home security and the threat is acknowledged by the employer. In order to obtain as much evidence we possibly can to present to the Pay Review Body we need POA members to forward details of the threats they face from ex-convicts. This may include being recognised when outside of the workplace and either verbally or physically attacked, threats via social media channels or being followed home from work or receiving phone calls from unrecognised numbers. We need as many examples as possible. Please forward examples to: nicola@poauk.org.uk

All the best.



MARK FAIRHURST
National Chair

ENCLOSURE



Civil Service Facility Time Framework and Guidance

April 2026



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Introduction and Purpose

1. This **Civil Service Facility Time Framework and Guidance** is a unified document that supersedes and replaces the 2018 Facility Time Framework and its departmental guidance. Its purpose is to establish consistent, key principles that the Cabinet Office expects departments to follow when developing facility time agreements with their relevant Trade Unions (TUs) for the management and provision of trade union facility time across the Civil Service.
2. This Framework and Guidance is expected to be implemented across the Civil Service, including all departments and agencies that employ civil servants.
3. It is fully consistent with the ACAS Code of Practice on time off for trade union duties and activities, which sets out what time off can be used for and provides examples. Where specific details are not set out within this Framework in respect of trade union duties and activities, departments should refer to the [ACAS Code of Practice](#).

Facility Time Framework

Working Better Together

4. The Civil Service is committed to a new era of employers, trade unions and Government working together through cooperation and engagement in line with the Government's 'Plan to Make Work Pay' and the Employment Rights Act 2025. This commitment to working together aligns us with high-growth economies that benefit from greater partnership and reduced disruption.
5. We recognise the vital role that TUs play in representing their members and the benefits that good working relationships between departments and unions bring to a modern workplace for both the employer and employees.
6. Facility time is the provision of time off from an individual's usual job to undertake TU duties and activities when they are elected as a TU representative. This time off may be granted on either a paid or unpaid basis, depending on the circumstances. TU members also have the statutory right to reasonable unpaid time off to undertake TU activities.
7. The Civil Service recognises that constructive engagement with TUs and the effective use of facility time play important roles in a modern workplace. This constructive engagement can provide business benefits, such as better employee morale, improved employee retention and higher productivity. There is a presumption of support for reasonable facility time requests that enable TUs to contribute positively to the workplace based on open communication and trust.



Principles

8. The core principles that underpin this Framework are:
- **Working Together:** The Civil Service is committed to fostering constructive industrial relations through a positive and collaborative relationship with TUs. A healthy industrial climate is recognised as essential, and the Civil Service will work with TUs to deliver the changes made by the Government pursuant of 'Plan to Make Work Pay - New Deal for Working People'. This will be progressed within departments as employers of Civil Servants.
 - **Positive Impact:** The Cabinet Office encourages departments to explicitly acknowledge the positive impact and legitimate function of TU representatives in fostering good industrial relations. TU representatives play a vital role in the early resolution of workplace issues, providing expert support to employees and facilitating effective and constructive engagement at all levels.
 - **Constructive Facilitation:** Facility time is viewed as a productive investment that supports healthy industrial relations, assists in the early resolution of workplace issues and facilitates effective and constructive engagement. Departments are encouraged to approach requests for facility time in a supportive manner, ensuring that TU representatives can access the allocated time to fulfil their roles effectively.
 - **Balance of Duties:** Ensuring, subject to specific exceptions, that TU representatives spend at least 50% of their time on their substantive Civil Service roles to maintain professional development and effective representation.
 - **Central Expectations and Local Flexibility:** This Framework establishes central expectations for facility time allocation and management, while explicitly recognising that departments have the flexibility to customise their local TU engagement agreements according to local need.
 - **Delegated Decision Making:** Empowering departments to make local decisions on facility time exceptions to reduce central bureaucracy.
 - **Transparency:** Maintaining robust local records to ensure value for money and compliance with legislation and best practice e.g. ACAS Code of Practice on time off for trade union duties and activities.

Facility Time Guidance

9. All TU representatives play certain roles in the workplace and have a statutory right to reasonable paid time off during normal working hours to complete trade union duties, according to their TU role, and unpaid time off to undertake trade union activities. TU members also have the statutory right to reasonable unpaid time off to undertake trade union activities.
10. This guidance is designed to facilitate the management and provision of TU facility time within departments.



Reporting and Monitoring of Facility Time

11. Public sector organisations are no longer required to report facility time data to the Cabinet Office for annual publishing following the repeal of the Trade Union (Facility Time Publication Requirements) Regulations 2017 in February 2026.¹ The Cabinet Office published facility time data for the last time in 2024/25.
12. The requirement to publish facility time in annual reports and accounts, as outlined in HMT's Financial Reporting Manual (FReM) was specifically scoped by the 2017 Regulations. Following the repeal of the regulations, in February 2026, departments subject to FReM do not need to report facility time in their accounts published from the 2025/26 period and subsequent years.

Removal of the Paybill Spend Cap

13. The mandatory 'hard cap' that was contained in the 2018 Facility Time Framework and that limited facility time expenditure to 0.1% of a department's pay bill has been removed. The 0.1% figure now serves as a suggested guideline, intended only to indicate the total overall costs of facility time to the department.
14. **Local Monitoring and Record Keeping:** It is strongly recommended that departments continue to monitor and retain records of facility time use. Local monitoring ensures oversight of total spend to ensure value for money for the taxpayer, adherence to departmental affordability limits, and compliance with the ACAS Code of Practice. It also supports management information needs and assists in responding to Freedom of Information (FOI) requests.
15. **Annex A** provides a recommended table for departments to use for recording and monitoring facility time locally.

Facility Time Allocation and Management

Time spent on Trade Union Duties (TUD) and Trade Union Activities (TUA)

16. This part of the guidance is designed to ensure that departments, line managers and representatives are aware of their responsibilities in terms of the time available to undertake TUD and TUA and where exceptions might be considered.

Time Spent on Trade Union Duties (TUD)

17. TUD are defined in s168 of the Trade Union & Labour Relations (Consolidation) Act 1992 (TULRCA). In general terms, they are duties that are carried out by TU representatives on behalf of their members and wider employees in engaging with the employer. These duties are generally **business facing** and the effective and

¹ Public sector employers must still publish facility time data if their relevant reporting period concluded before 18 February 2026. This is due to the saving provisions within the Employment Rights Act 2025, which maintain the statutory obligation to publish that data for any employer whose reporting period ended prior to this date.



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efficient undertaking of these duties provides benefits for both employees and the department.

18. **Annex B**, and the ACAS Code of Practice, provides a non-exhaustive list of examples of TUD.
19. TU representatives are responsible for representing the interests of their members in the workplace and have a statutory right to reasonable paid time off during normal working hours to undertake TUD. This includes an entitlement to reasonable time off during working hours and to complete training relevant to their TU role, so they can carry out their duties effectively.
20. In considering the amount of paid time off that would be reasonable, departments should consider the amount of paid time off requested (including by reference to the 50% requirement), occasion, frequency and purpose of the work, as well as the requirement for TU representatives to complete training relevant to their role. Other considerations are suggested for both employers and TUs in the ACAS Code of Practice on time off for trade union duties and activities.

50% requirement and exceptions

21. To ensure TU representatives remain embedded in the business and maintain their Civil Service skills, they should spend at least 50% of their time delivering their official role. Flexibility on the 50% requirement may be considered in specific circumstances, such as during TU representative actions related to consultations on TUPE (Transfer of Undertakings [Protection of Employment]), attendance at grievance and disciplinary meetings where there is a statutory right for a union representative to attend, or where there is a significant level of organisational restructuring for a time-limited period.
22. Departments have the delegated ability to approve requests to exceed the requirement for TU representatives to spend at least 50% of time delivering in their official role where the employer and the TU agree there is a 'genuine business need'. The business area should determine who approves any request to exceed the 50% allocation, e.g. Head of Employee Relations. This approval level must be applied consistently across the department.
23. Departments may wish to include a review process and timeline (e.g. annual), as part of the exceptions process, to ensure any additional flexibility is still required.

Time spent on Trade Union Activities (TUA)

24. Trade Union Activities (TUA), covered by s170 TULRCA tend in general terms to be **union facing** and concern the running or administration of the TU and its relationship with its members for example; attending meetings to discuss union matters such as branch meetings.
25. **Annex B** and the ACAS Code of Practice provides a non-exhaustive list of examples of TUA.



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26. **Both TU representatives and members** have the statutory right to reasonable unpaid time off to undertake trade union activities.

Considering Requests for Trade Union Activity (TUA) Paid Time Exceptions

27. Departments have discretion to agree to exceptions allowing paid time off for activities, as well as discretion to agree to the procedures for agreeing exceptions. The [ACAS Code of Practice](#) for time off for trade union activities envisages payment of TUA being considered in certain circumstances, e.g. to ensure that workplace meetings are fully representative or to ensure that employees can use services provided by Union Learning Representatives.
28. Departments are encouraged to explicitly consider providing some **paid time off** for Trade Union representatives to attend their union's annual conferences, acknowledging this as a valuable means of fostering constructive industrial relations and enabling the setting of policy. Where Trade Union representatives are also National Executive Committee (NEC) members, paid time off to attend committee meetings should also be considered.
29. Each department should establish its own local process for reviewing and approving paid TUA requests, recognising that the default position remains that time off for TUA should be unpaid. The approval level for granting paid TUA should be consistently applied across the department and signed off by the relevant departmental lead e.g. Head of Employee Relations.

TUD and TUA Examples

30. To assist departments **Annex B** provides a non-exhaustive list of TU examples of duties and TU activities.

Other Representatives and their Duties

Union Health and Safety (H&S) Representatives

31. Union H&S Representatives should promote a safety conscious culture and allow employees to raise H&S related issues. The Safety Representatives and Safety Committees Regulations 1977 regulation 4(2)(a) apply to them. **The Health and Safety Executive has issued [guidance](#) on consulting employees on health and safety.**
32. Union H&S Representatives' **functions** typically include:
- Representing employees in consultations with the employer on health, safety, and welfare matters.
 - Representing employees when consulted by HSE or local authority Inspectors.
 - Investigating accidents, near misses, potential hazards, dangerous occurrences, and employee complaints regarding health, safety, or welfare.
 - Presenting investigation findings to the employer.
 - Inspecting the workplace.



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- With another appointed representative, formally requesting the establishment of a health and safety committee.
 - Attending Health and Safety Committee meetings as an employee representative.
33. Union H&S Representatives must be allowed paid time off as is necessary during normal working hours to perform their mandated H&S functions, such as accident investigation, workplace inspections, and statutory health and safety training.
34. Time spent on statutory H&S **functions** **should not be included** when calculating an individual's 50% facility time requirement for trade union duties. Time spent on non-statutory duties or wider wellbeing activities must be categorised as general Trade Union Duties (TUD) and is subject to representatives spending 50% of their time delivering their civil service role.
35. **H&S time** should still continue to be recorded; however, it is now entirely separate from the 0.1% paybill guideline and should no longer be included in departmental financial oversight calculations for facility time.
36. **Monitoring:** Departments must monitor representatives whose combined TUD (up to 50%) and statutory H&S **functions** consistently approaches a high threshold to ensure they retain a career anchor and prevent overburdening.

Union Learning Representatives

37. Union Learning Representatives (ULR) should promote and enable training and learning in the workplace.
38. Subject to written notice to the employer of the employee's ULR status and that the training condition is met, duties typically include: analysing training needs; advising on learning/training; arranging learning/training; promoting its value; consulting the employer; training preparation; and undergoing relevant training.
39. They have the statutory right to reasonable paid time off during normal working hours to undertake recognised duties and to complete training relevant to their TU role as a ULR.

Union Equality Representatives

40. The Employment Rights Act 2025 formalises a new statutory right for Union Equality Representatives to take reasonable time off to carry out duties aimed at improving equality in the workplace. This status covers activities such as eliminating discrimination and harassment, advancing equality of opportunity, and fostering good relations between people who share protected characteristics and those who do not.
41. These new statutory rights, alongside the specific obligations for employers to provide accommodation and other facilities to equality representatives, are currently subject to government consultation. The qualifying criteria will be set out in a new



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ACAS Code of Practice on time off for trade union duties and activities, which is expected to come into force in October 2026

42. Until the new Code of Practice is published this Framework and Guidance will not be formally updated to reflect these specific statutory changes. Once the Code is published, the Framework will be revisited and updated to include the specific requirements regarding written notice, training conditions, and the provision of facilities for Union Equality Representatives.

Multiple Trade Union Roles

43. Departments should be aware of the possibility of employees undertaking more than one TU representative role.
44. For time dedicated to these combined roles (excluding time spent as a H&S Representative) the expectation is that a TU representative should spend at least 50% of their time delivering their official role, unless a specific TUD exception has been agreed.

TU Right of Access and use of Facilities

45. The Employment Rights Act 2025 formalises a statutory right for trade unions to access workplaces both physically and digitally to meet, represent, and recruit employees; the specific operational details of this right are currently subject to government consultation.
46. Updated rules on a trade union's right of access to the workplace, and a new right to reasonable accommodation and facilities for trade union representatives carrying out their duties, are not expected until a new Secretary of State Code of Practice is published later in 2026 (expected to be in October). Until that time, this Framework and Guidance will not be formally updated to reflect these statutory changes.
47. Any existing voluntary arrangements that departments have entered into with TUs on workplace access and the use of workplace facilities should remain in place until the new rules come in. At that point this Framework and Guidance will be updated to reflect the new rules. In line with the current ACAS Code of Practice, departments remain under a statutory obligation to provide TU representatives with access to affected employees and such accommodation and facilities (e.g. use of a telephone and other communication media used in the workplace such as email, intranet and internet) as may be appropriate in situations involving, for example, TUPE transfers.
48. Outside of these statutory requirements, where practical and where resources permit, departments should consider TU representatives having access to necessary facilities to perform their duties efficiently and communicate effectively. Whilst departments will need to review and update their facilities guidelines once the new rules on workplace access and facilities come in, the expectation as it stands is that departments continue to reflect current facilities guidelines within their departmental agreements, including provision for:



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- accommodation for meetings which could include provision for Union Learning Representatives (ULRs)/Union Equality Representatives and a union member(s) to meet to discuss relevant training matters
- access to a telephone and other communication media used or permitted in the workplace such as email, intranet and internet
- the use of noticeboards
- where the volume of a union representative's work justifies it, the use of dedicated office space
- confidential space where an employee involved in a grievance or disciplinary matter can meet their representative or to discuss other confidential matters
- access to members who work at a different location
- access to e-learning tools where computer facilities are available.

Line Managers and Trade Union Representatives: Managing the relationship

49. Line managers will retain their usual management responsibilities and employees their responsibilities in terms of conduct, attendance etc in the usual way. All departmental policies and procedures will therefore apply equally to TU representatives as they do to other employees.

50. Line managers should also support TU representatives' wellbeing, and understand what departmental support services are available and where to find them.

51. Both line managers and TU representatives have a role to play in ensuring that facility time is efficiently and effectively managed.

- For a **line manager**, this will include:
 - Supporting an employee to manage their time between the Civil Service and TU roles
 - Ensuring that, where necessary and feasible, appropriate work cover or workload reductions are considered to facilitate the required time off
 - Dealing with requests for paid/unpaid time off
 - Monitoring and reporting the use of facility time, in a reasonable and proportionate manner, in line with departmental procedures.
- For a **TU representative**, this will include:
 - Managing their time effectively between the Civil Service and TU role
 - Making realistic and reasonable requests for paid/unpaid time off
 - Monitoring and recording the use of facility time, in a reasonable and proportionate manner, in line with departmental requirements.



Annex A: Local Monitoring and Data Collection Template

Departments are encouraged to maintain facility time data. This ensures that while central reporting has ceased, local data is captured to evidence the effective management of facility time.

Monitoring Level	Recommended Data Point	Description / Guidance
Representative Details	Representative Name & Grade	Monitors the distribution of facility time across seniority levels.
Representative Details	Substantive Business Area	Ensures operational impact is managed and not concentrated in one team.
Time Management	Total Facility Time Hours	The combined total of all time off (Duties + Activities).
Time Management	Percentage (%) Split	Calculation of time spent on TU work vs substantive Civil Service role (to monitor the 50% principle).
Time Management	Exception Flag	A simple 'Yes/No' field to indicate if an exception has been granted to exceed 50% time.
Financial Tracking	Estimated Salary Cost (£)	Calculation - to feed into the departmental 0.1% paybill guideline.
Financial Tracking	Total On-Costs	Inclusion of Pension and NI contributions for a full 'Total Cost' central figure.
Facility Time Allocation	Trade Union Duties (TUD)	Total paid hours spent on statutory functions (Consultation, representation).
Facility Time Allocation	Trade Union Activities (TUA)	Total paid/unpaid hours spent on internal union business (Conferences, etc).
Facility Time Allocation	Learning Rep, and Equality Rep Time	Total hours spent on Learning Rep and Equality Rep time. Specialist hours can be tracked separately so that different categories of facility time are clearly recorded.
Facility Time Allocation	Total cost of Facility Time	Total cost of paid hours on TUD, TUA, and Equality Rep Time, expressed in £ figure, and as a percentage of paybill.
Health and Safety	Total Health and Safety Hours	Total hours spent on H&S time.
Health and Safety	Total cost of Health and Safety Time	Total cost of time spent on H&S time, expressed in £ figure, and as a percentage of paybill.



Summary of Monitoring Principles

To ensure this data is effective for local management, departments should adhere to the following principles:

- **Standardised Reporting Periods:** Align collection with the financial year (April to March) to simplify benchmarking against the 0.1% paybill guideline.
- **Managerial Oversight:** Line managers should verify that the hours recorded in local systems match the time requested and authorised.
- **Accuracy for FOI/PQs:** Despite the removal of the 2017 Publication Requirements, the Civil Service remains subject to high levels of public scrutiny. Maintaining this minimum data set ensures departments can respond accurately to Parliamentary Questions or Transparency requests.
- **GDPR Compliance:** Ensure that all data collection is handled in accordance with departmental data protection policies, particularly when recording names and union affiliations.



Annex B: Example of a non-exhaustive list of TU duties and TU activities

Examples of TU duties	Examples of TU activities
<p>Negotiations and Collective Bargaining</p> <ul style="list-style-type: none"> ● Terms & Conditions: Pay, hours, leave, pensions, sick pay, notice periods, and work-life balance. ● Employment Status: Recruitment, selection, redundancy, dismissal, and human resource planning. ● Work Allocation: Job grading, evaluation, job descriptions, and flexible working practices. ● Working Environment: Physical conditions, digital equipment, and health and safety. ● Discipline & Grievance: Procedures, representing/accompanying members at hearings or tribunals. ● Union Governance: Induction of new workers and representational arrangements. <p>TU Representative Actions</p> <ul style="list-style-type: none"> ● Meetings: Preparing for and attending management and internal meetings as part of negotiation/consultation. ● Consultation: Informing members and other reps of progress and outcomes. ● Correspondence: Communicating with management regarding collective bargaining. ● Preparation: Time to prepare for hearings, negotiations, or outside appeal bodies. ● Statutory Rights: Information and consultation regarding TUPE or Collective Redundancies. ● Training: Undertaking accredited training for skills and knowledge development relevant to TU duties. 	<p>Membership Participation and Internal Union Matters</p> <ul style="list-style-type: none"> ● Union Business: Branch, area, regional, or national executive meetings. ● Conferences: Attending annual or specifically convened policy-making conferences. ● Elections: Voting in union elections and attending meetings to discuss/vote on negotiation outcomes. ● Administration: Internal correspondence, financial matters, and internal surveys. ● Learning & Services: Accessing services provided by Union Learning or Equality Representatives. ● General Representation: Discussing cases with other reps (outside formal hearing prep). <p>Communication & Administration</p> <ul style="list-style-type: none"> ● Content Creation: Producing or maintaining union literature, magazines, or websites. ● Maintenance: Maintaining union notice boards and distributing circulars. ● Liaison: Communication between different union branches or other trade unions.

Source:

Revised ACAS Code of Practice on time off for trade union duties and activities (draft January 2026) issued under section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA).