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CONSULTED WITH:	Staff Side

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MANAGER RESPONSIBLE FOR REVIEW (Must be Authors Line Manager)	Director of Workforce	



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**AT ALL TIMES, STAFF MUST TREAT PATIENTS WITH RESPECT
AND UPHOLD THEIR RIGHT TO PRIVACY AND DIGNITY.**

1. INTRODUCTION

Wrightington, Wigan and Leigh NHS Foundation Trust (WWL NHS FT) is committed to partnership working and collective bargaining with recognised trade unions. The Trust's partnership arrangements shall not detract from nor diminish employees' existing rights under Employment Law, for example, unfair dismissal or provisions contained in Health and Safety legislation. Nor does subscription to this policy detract from Trade Union's responsibilities to generally represent the interests of their members.

2. POLICY STATEMENT

2.1 This agreement is between Wrightington, Wigan and Leigh NHS FT and the following trade unions:

- 2.1.1 British Medical Association (BMA);
- 2.1.2 British and Irish Orthoptic Society (BIOS);
- 2.1.3 Chartered Society of Physiotherapy (CSP);
- 2.1.4 GMB – Britain's General Union;
- 2.1.5 Hospital Consultants and Specialists Association (HCSA);
- 2.1.6 Society of Radiographers (SoR);
- 2.1.7 Royal College of Nursing (RCN);
- 2.1.8 Royal College of Midwives (RCM);
- 2.1.9 Unison (including Managers in Partnership); and
- 2.1.10 Unite the Union

3. RESPONSIBILITIES

3.1. Trust Board

- 3.1.1. Trust Board will ensure that they work in partnership through the appropriate committees and meeting structures identified within this policy.
- 3.1.2. Trust Board will delegate responsibility for monitoring the operational application and timely review of this policy to the Partnership Council.
- 3.1.3. Trust Board will delegate responsibility for approving Human Resources policies to the Partnership Council, with formatting approval through the Policy Approval and Ratification Committee (PARC).
- 3.1.4. Trust Board will delegate responsibility for approving Human Resources policies which affect only Medical and Dental staff to the Local Negotiating Medical Committee (LNC), with formatting approval through the Policy Approval and Ratification Committee (PARC).
- 3.1.5. Trust Board will delegate to the Workforce Committee, the responsibility for developing strategic approaches to effectively manage staff which is reflective of the business needs of the Trust and is cognisant of the local, regional and national context.
- 3.1.6. Trust Board will have responsibility to ensure that Executive Directors and managers within the Trust establish and maintain appropriate structures and processes to ensure the increased participation and involvement of staff in decisions which affect them.

3.2. Chief Executive

- 3.2.1. The Chief Executive will jointly chair the Local Negotiating Medical Committee and Partnership Council, with the Staff Side Chair/nominated Medical LNC Staff Side Chair. This will rotate every meeting.

3.3. Director of Workforce

- 3.3.1. The Director of Workforce will be responsible to Trust Board for the operation of this policy and will ensure through members of the Workforce Directorate that managers and staff side representatives are supported in the operation of the policy.
- 3.3.2. The Director of Workforce will be responsible to Trust Board for overseeing the introduction, operation and monitoring of this policy and will report progress through the Workforce Committee.
- 3.3.3. The Director of Workforce will be a member of the Partnership Council and Local Negotiating Medical Committee (LNC) and will act as deputy Chairperson for Management Side in the event that the Chief Executive is unavailable.

3.4. Staff Side Chair/LNC Staff Side Chair

- 3.4.1. The Staff Side Chair will effectively communicate between trade union members and the Partnership Council.
- 3.4.2. The Staff Side Chair will be a member of the Partnership Council.
- 3.4.3. The LNC Staff Side Chair will be an associate member of the Partnership Council.
- 3.4.4. The Staff Side Chair is a member of the Workforce Committee and Policy Development Group.
- 3.4.5. The LNC and Staff Side Chair will jointly chair the Local Negotiating Medical Committee and Partnership Council, with the Chief Executive, rotating the chair every meeting.
- 3.4.6. The Staff Side Chair will be responsible for agreeing through the Staff Side Meeting the additional 5 trade union representatives at the Partnership Council.
- 3.4.7. The Staff Side Chair will be entitled to attend as a voting member and participate in Management Board.

3.5. Executive Directors

- 3.5.1. Executive Directors are responsible for ensuring the implementation of the policy within their areas of responsibility.
- 3.5.2. Executive Directors are responsible for attending Workforce Committee, LNC and Partnership Council according to the specific Terms of Reference for each meeting.

3.6. Chairman of the Trust/Non-Executive Directors

The Chair and Non-Executive Directors will attend nominated Committees appropriate to their portfolio and will seek assurance on the governance and/or risk associated with the implementation of this policy.

3.7. Managers and Medical Managers

- 3.7.1. Managers and Medical Managers are responsible for ensuring that they adopt the principles of partnership working.
- 3.7.2. Managers and Medical Managers are also responsible for attending and actively participating in the appropriate partnership meetings outlined within this policy as determined by the specific Terms of Reference.
- 3.7.3. Managers are responsible for promoting partnership working within their areas of work and supporting employees to work in an environment which is supportive of the NHS Constitution, Staff Pledges and the strategic themes of Partnership and Staff Engagement.

3.8. Employees of the Trust

- 3.8.1. Employees have a responsibility to read and work within current policies.
- 3.8.2. Employees are responsible for contributing to consultations with staff representatives and management as relevant/appropriate.
- 3.8.3. Employees are responsible for taking reasonable steps to avail themselves of opportunities to be involved in the decision making process which affect them.

4. ROLE OF ACCREDITED TRADE UNION REPRESENTATIVES

- 4.1. Accredited representatives of trade unions will:
 - 4.1.1. Abide by the rules of their trade union and the policies and procedures of Wrightington, Wigan and Leigh NHS FT;
 - 4.1.2. Represent their members on matters that are of concern to Wrightington, Wigan and Leigh NHS FT and/or its employees.
- 4.2. The ratio of trade union representatives to members will be 1:200. Consideration will be given to the size and location of the union's membership and the expected workload, when assessing their accreditation.
- 4.3. Unions are required to provide written credentials to Wrightington, Wigan and Leigh NHS FT's Director of Workforce detailing the number and location of members represented by each union representative.
- 4.4. Subject to the needs of the service and adequate notification, trade union representatives will be permitted paid time off, including time to prepare for meetings and disseminate information and outcomes to members during working hours, to carry out duties that are concerned with any aspect of:
 - 4.4.1. Negotiation and/or consultation on matters related to terms and conditions of employment and or agreed partnership processes. For example:
 - 4.4.1.1. Terms and conditions of employment (e.g. pay, hours of work, holidays and holiday pay, sick pay, with the exception of employees contracted under VSM arrangements);
 - 4.4.1.2. TUPE transfers (e.g. consultation meetings, 1:1 meetings with affected members);
 - 4.4.1.3. Engagement or termination of employment (e.g. recruitment and selection policies, workforce planning, redundancy and dismissal arrangements);
 - 4.4.1.4. Allocation of work (e.g. job grading and evaluation, flexible working practices, work life balance);
 - 4.4.1.5. Matters of discipline (e.g. disciplinary procedures, arrangements for representing or accompanying members at internal interviews/meetings, arrangements for appearing on behalf of trade union members, or as witnesses, before agreed outside appeal bodies or employment tribunals);
 - 4.4.1.6. Grievance and disputes (e.g. grievance procedures, arrangements for representing or accompanying members at internal interviews/meetings);
 - 4.4.1.7. Union membership or non-membership (e.g. representational arrangements, union involvement in the induction of new employees);
 - 4.4.1.8. Facilities for trade union representatives (e.g. estates discussions regarding accommodation and equipment);
 - 4.4.1.9. Machinery for negotiation or consultation or other procedures (e.g. collective bargaining, joint consultation, communicating with members, communicating with other union representatives concerned with collective bargaining with (Wrightington, Wigan and Leigh NHS FT)
 - 4.4.2. Meetings with members;
 - 4.4.3. Meetings with other lay officials or full time officers;
 - 4.4.4. Joint policy implementation and partnership working;
 - 4.4.5. Other matters relating to employee relations and partnership working.
- 4.5. Trade union representatives should indicate the general nature of the business for which time off is required and where they can be contacted if required. Requests should be made as far in advance as possible, as is reasonable in the circumstances. Whenever possible

the representatives should indicate the anticipated period of absence. The expectation is that requests for paid time off for trade union representatives will not be unreasonably refused.

5. TRADE UNION REPRESENTATIVE TRAINING

- 5.1. Accredited trade union representatives will be given adequate time off to allow them to attend trade union approved training courses or events. Time off should not be regarded as automatic, as Wrightington, Wigan and Leigh NHS FT must take account of the needs of service delivery. However, the expectation is that requests for paid time off to attend training courses should not be unreasonably refused as long as appropriate notice is provided (a minimum of 6 weeks).
- 5.2. Any training course must be relevant to the duties performed and approved by the trade union. Recognised training programmes must be completed before undertaking trade union duties. Representatives must provide details of the course to their manager and Director of Workforce/Deputy Director of HR.
- 5.3. E-learning tools, related to the role of the union representative, should be used where available and appropriate. The best use of e-learning is recognised as an additional learning aid rather than attendance at approved trade union training courses.

6. PAYMENT ARRANGEMENTS AND FACILITIES TIME

- 6.1. Where time with pay has been approved, payment will equate to the earnings the employee would normally have received had they been at work.
- 6.2. When meetings called by management require the attendance of a trade union representative (for the purpose of a reason stated in the section titled role of accredited trade union representatives) which fall outside of normal working hours, equivalent time off will be granted or payment in accordance with national terms and conditions will be made.
- 6.3. Travel expenses will be paid where travel in excess of normal home to base requirements are exceeded in the course of completing roles as defined in this document. Payment will be in accordance with Wrightington, Wigan and Leigh NHS FT's travel expenses policy and national terms and conditions.
- 6.4. No facilities time or pay will be granted for trade union representatives to undertake trade union activities or duties related to members who are not employed by Wrightington, Wigan and Leigh NHS FT, without the express agreement of the Director of Workforce or Deputy Director of HR.
- 6.5. The following table sets out the approximate anticipated time for trade union representatives to support trade union duties, including preparation, attendance at meetings/hearings and debrief. Each case will be unique and therefore this information is a guide only.

Type	Time
Grievance	15 hours
Conduct/disciplinary	15 hours
Capability	5 hours
Sickness absence	5 hours
Organisational change	10 hours
Policy development	5 hours
Meetings – policy group and partnership council	2 hours

7. TRADE UNION ACTIVITIES

- 7.1. Trade union representatives do not have an automatic right to paid time for trade union activities or to attend union meetings.
- 7.2. No paid time will be allocated for industrial action under any circumstances, with the sole exception of trade union representatives working with Wrightington, Wigan and Leigh NHS FT management to identify actions to resolve the trade dispute.
- 7.3. Local trade unions must ensure that time and resources provided for trade union activities are used appropriately.
- 7.4. Wrightington, Wigan and Leigh NHS FT will provide accredited representatives with 2 hours paid time for attendance at the monthly staff side meeting. Any requests for additional paid time for trade union activities must be submitted to and approved by the Director of Workforce/Deputy Director of HR.
- 7.5. Wrightington, Wigan and Leigh NHS FT is committed to partnership working and will provide reasonable time off during working hours to enable trade union representatives to:
 - 7.5.1. Attend executive committee meetings, annual conference or regional union meetings;
 - 7.5.2. Vote in properly conducted ballots on industrial relations;
 - 7.5.3. Vote in union elections;
 - 7.5.4. Attend urgent meetings to discuss matters relating to the workplace;
 - 7.5.5. Recruit and organise members.
- 7.6. Time off may be refused if, for example:
 - 7.6.1. An unreasonable notice period has been provided;
 - 7.6.2. Activities do not relate to trade union duties, activities or training;
 - 7.6.3. Activities are not authorised by the union;
 - 7.6.4. If service needs cannot be fulfilled.

8. TRADE UNION LEARNING REPRESENTATIVES

- 8.1. Trade union learning representatives are accredited by their union to support Wrightington, Wigan and Leigh NHS FT in identifying training needs and ensuring staff access to training. Learning representatives have the right to reasonable paid time for undertaking these duties.
- 8.2. To qualify for paid time, the learning representative must be sufficiently trained to carry out duties either at the time when the union gives notice to Wrightington, Wigan and Leigh NHS FT in writing that they are a learning representative with the trade union, or within 6 months of that date. It should be confirmed in writing to the Director of Workforce by the union that the training completed is sufficient for the learning representative to undertake their role.
- 8.3. The learning representative must be able to demonstrate that they have received sufficient training to enable them to operate competently in one or more of the following areas:
 - 8.3.1. Analysing training needs;
 - 8.3.2. Providing information and advice about learning or training matters;
 - 8.3.3. Arranging and supporting learning and training;
 - 8.3.4. Promoting the value of learning and training;
 - 8.3.5. Consulting Wrightington, Wigan and Leigh NHS FT about carrying on all such activities;
 - 8.3.6. Preparation to carry out any of the above activities;
 - 8.3.7. Undergoing relevant training.

- 8.4. To demonstrate that sufficient training has been completed to enable the learning representative to operate competently they should:
- 8.4.1. Complete a training course approved by the trade union or;
 - 8.4.2. Show they have previously gained the relevant expertise and experience to operate effectively as a learning representative (e.g. teaching, counselling, careers advice, Human Resource Development).

9. TRADE UNION HEALTH AND SAFETY REPRESENTATIVES

- 9.1. The Safety Representatives and Safety Committee Regulations (1977) provides a legal entitlement for trade union appointed safety representatives to have paid time to carry out their functions and undergo training.
- 9.2. To qualify for paid time, the health and safety representative must be sufficiently trained to carry out duties. It should be confirmed in writing by the union that the training completed is sufficient for the learning representative to undertake their role.
- 9.3. To demonstrate that sufficient training has been completed to enable the health and safety representative to operate competently they should:
- 9.3.1. Complete a training course approved by the trade union or;
 - 9.3.2. Show they have previously gained the relevant expertise and experience to operate effectively as a health and safety representative.

10. TRADE UNION BRANCH ADMINISTRATION

Wrightington, Wigan and Leigh NHS FT recognises that trade union activities are managed through a branch structure. It is the responsibility of the relevant union to fund, manage and deliver these activities. This includes activities such as branch administration, diary management, event management, treasurer and secretary responsibilities.

11. FACILITIES FOR TRADE UNION REPRESENTATIVES

- 11.1 The following facilities are available for trade union representatives:
- 11.1.1 Access to a designated private office and meeting room (RAEI site);
 - 11.1.2 Access to internal and external telephone lines;
 - 11.1.3 Access to internal and external mail systems;
 - 11.1.4 Access to Wrightington, Wigan and Leigh NHS FT's intranet and email systems;
 - 11.1.5 Access to computer facilities within the designated office;
 - 11.1.6 Access to notice boards on all Trust sites for the display of trade union literature and information;
 - 11.1.7 Access to joint documents regarding local partnership processes.

12. PARTNERSHIP STANDARDS

- 12.1. It is the objective of this policy that partnership working should take place at all levels within the Trust.
- 12.2. **Direct Involvement**
- 12.2.1. Each employee should be involved in considering the design, operation and product of their own jobs individually and in groups both when changes are being planned and as a continuing process.
 - 12.2.2. The devolution of work planned to the lowest level is encouraged. This shall be considered by managers at all levels in respect of matters within their own areas of authority and responsibility.
 - 12.2.3. Trade Union representatives shall be consulted on the introduction of new working methods and new technology where their members are involved.

12.3. Information

12.3.1. The Trust shall continue to provide all staff with information about the Trust's progress and plans including its clinical and financial performance and any foreseen expected changes that might affect employment prospects.

12.3.2. The Trust, Divisions and Directorates shall maintain a system of Team Briefing on a monthly basis. The Team Brief system shall be used to receive speedy and regular feedback from employees as to their views on the information provided.

13. PARTNERSHIP PROCESS

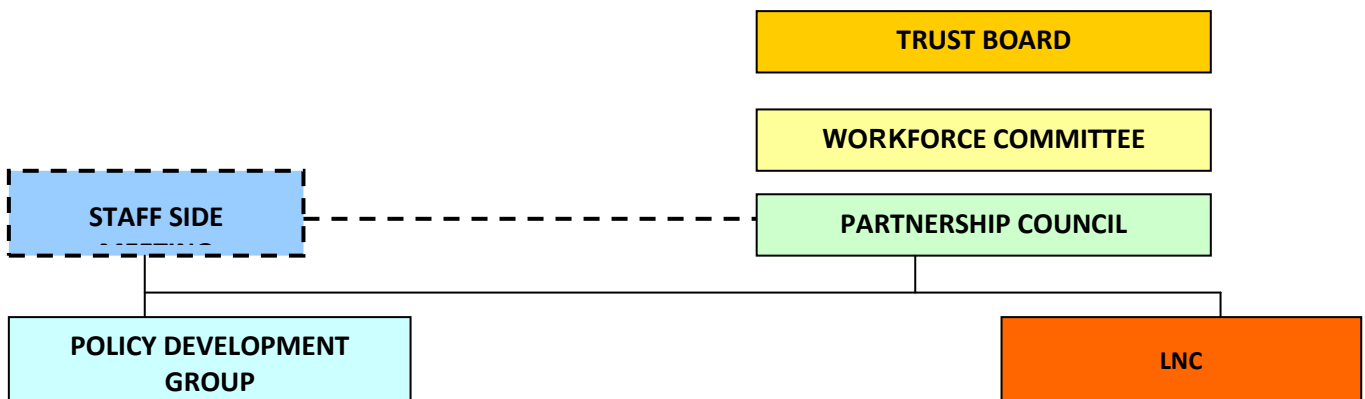
13.1. Initial stage

All stakeholders with an interest are entitled to be involved in any new proposals or decisions likely to affect their job or position within the Trust.

13.2. Consultation Stage – Partnership Structure

Existing consultation arrangements at Divisional, Directorate or Trust level shall be used to consider proposals which may arise at the initial stage or come direct to the consultation stage. These forums shall include all Trade Unions recognised for consultative purposes and other employee representatives. The Trusts 'Partnership Structure reflects this aspect.

13.3. Framework for Partnership Working



13.4 Implementation Stage

If this stage is necessary the partners shall be Managers and recognised Trade Unions of the Trust as appropriate to the issues.

13.5 Representation Arrangements

13.5.1 The partnership working framework shall ensure that trade union representatives may represent their views and interests at Divisional/Directorate and Corporate levels within the Trust.

13.5.2 Divisions/Directorates will be responsible for ensuring that their own partnership arrangements acknowledge the need for individuals within the Directorate to be involved in decisions which affect them.

13.5.3 Divisions/Directorate arrangements need not necessarily be identical or operate through the same channels for all employees.

13.5.4 The method which Divisions/Directorates use to incorporate Trade Union Representatives within their own Partnership arrangements is not prescribed but it is expected that these representatives will work within the Division/Directorate and taken together they shall be representative of the workforce.

13.6 **Partnership Council**

13.6.1 The partnership working framework shall ensure that Trade Union representatives may represent their views and interests at corporate levels within the Partnership Council.

13.6.2 Membership and responsibilities of the Partnership Council are confirmed in the associated Terms of Reference. The Terms of Reference will be reviewed annually.

14. **EMPLOYMENT LAW**

The Trust Partnership arrangements shall not detract from nor diminish employees' existing rights under Employment Law – for example unfair dismissal or provisions contained in Health and Safety legislation. Nor does subscription to this policy detract from Trade Union's responsibilities to generally represent the interest of their members.

15. **NOTICE**

This recognition agreement is subject to termination with 3 months' written notice being given by Wroughtington, Wigan and Leigh NHS FT or one of the unions recognised in this agreement.

16. **HUMAN RIGHTS ACT**

Implications of the Human Rights Act have been taken into account in the formulation of this document and they have, where appropriate, been fully reflected in its wording.

17. **INCLUSION AND DIVERSITY**

The Policy has been assessed against the Equality Impact Assessment Form from the Trust's Equality Impact Assessment Guidance and, as far as we are aware, there is no impact on any Equality Target Group.

18. **DISSEMINATION AND IMPLEMENTATION**

18.1. This policy is available to all staff via the Trust intranet site – Policy Library.

18.2. The policy is ratified at Partnership Council ensuring that staff side representatives are fully briefed. The staff side chair will determine if any further dissemination of this policy to staff side colleagues is required via the monthly staff side meeting and will confirm this with the Deputy HR Director/Director of Workforce in advance of the policy being presented to the Partnership Council.

19. **MONITORING AND REVIEW**

The partnership process and operational arrangements will be reviewed in line with this policy, however should concerns be raised through the specific meeting structures that an earlier review is required this will be discussed and agreed through the Director of Workforce and the Staff Side Chair.

20. **ACCESSIBILITY STATEMENT**

This document can be made available in a range of alternative formats e.g. large print, Braille and audio cd.

For more details, please contact the HR Department on 01942 77 3766 or email equalityanddiversity@wwl.nhs.uk

APPENDIX 1

DEFINITIONS

Trade union official / representative – an employee who has been elected or appointed in accordance with the rules of the independent union to be a representative of all or some of the union's members in Wrightington, Wigan and Leigh NHS FT, where the union is recognised for collective bargaining purposes.

Union learning representative – an employee who is a member of an independent trade union recognised by Wrightington, Wigan and Leigh NHS FT who has been elected or appointed in accordance with the rules of the union to be a learning representative of the union at the workplace.

Union health and safety representative - an employee who is a member of an independent trade union recognised by Wrightington, Wigan and Leigh NHS FT who has been elected or appointed in accordance with the rules of the union to be a health and safety representative of the union at the workplace.

Partnership Council - the local negotiating committee (joint consultative committee) for collective bargaining and information sharing covering all staff groups. The Partnership Council has delegated authority from the Trust Board via Workforce Committee for the approval of employment policies.

Local Negotiating Committee (LNC) - the local negotiating committee for issues relating only to Medical and Dental employees. The LNC has delegated authority from the Trust Board via Workforce Committee for the approval of employment policies specific to medical and dental employees.

Staff side - the collective local trade union representative body

Staff Side Chair – a trade union representative elected by the staff side to act as their Chairperson

LNC Chair - a trade union representative elected by the LNC members to act as their Chairperson

Trade union duties – work completed by trade union representatives (as set out in the section Role of accredited trade union representatives), which attract paid time off.

Trade union activities – work completed by trade union representatives that are not trade union duties, but support effective partnership working. This does not include trade union / branch administration.

Branch administration – administrative tasks required for the effective running of a local trade union branch.

Equality Impact Assessment Form

STAGE 1 - INITIAL ASSESSMENT

For each of the protected characteristics listed answer the questions below using Y to indicate Yes and N to indicate No	Sex <small>(male / female / transgender)</small>	Age <small>(18 years+)</small>	Race / Ethnicity	Disability <small>(hearing / visual / physical / learning disability / mental health)</small>	Religion / Belief	Sexual Orientation <small>(Gay/Lesbian/ Bisexual)</small>	Gender Re-Assignment	Marriage / Civil Partnership	Pregnancy and Maternity	Carers	Other Group	List Negative / Positive Impacts Below
Does the policy have the potential to affect individuals or communities differently in a negative way?	N	N	N	N	N	N	N	N	N	N	N	
Is there potential for the policy to promote equality of opportunity for all / promote good relations with different groups – Have a positive impact on individuals and communities.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
In relation to each protected characteristic, are there any areas where you are unsure about the impact and more information is needed?	N	N	N	N	N	N	N	N	N	N	N	If Yes: Please state how you are going to gather this information.
Job Title	Director of Workforce								Date	January 2019		

IF 'YES an NEGATIVE IMPACT' IS IDENTIFIED - A Full Equality Impact Assessment STAGE 2 Form must be completed. This can be accessed via <http://intranet/Departments/Equality Diversity/Equality Impact Assessment Guidance.asp>

Please note: As a member of Trust staff carrying out a review of an existing or proposal for a new service, policy or function you are required to complete an Equality Impact Assessment. By stating that you have **NOT** identified a negative impact, you are agreeing that the organisation has **NOT** discriminated against any of the protected characteristics. Please ensure that you have the evidence to support this decision as the Trust will be liable for any breaches in Equality Legislation..

Appendix 3

POLICY MONITORING AND REVIEW ARRANGEMENTS

Para	Audit / Monitoring requirement	Method of Audit / Monitoring	Responsible person	Frequency of Audit	Monitoring committee	Type of Evidence	Location where evidence is held
3.3	Ensure participation in partnership working	Attendance and minutes of Partnership Committee	Director of Workforce	As the committee meetings arise	Workforce Committee	Minutes and action logs	HR
19	Policy review	Minutes of the Partnership Committee	Director of Workforce	Every 3 years or as required	Workforce Committee	Minutes	HR