Department for Business, Innovation, Science and Trade

Lord Leong CBE
Minister for Small Business and Enterprise
Department for Business, Innovation, Science and Trade
Old Admiralty Building
Admiralty Place
Whitehall
London
SW1A 2DY

Lord Goddard
House of Lords
London
SW1A 0PW

T: +44 (0) 020 4551 0011
E: Leong@businessandtrade.gov.uk
W: www.gov.uk

By email

3 November 2026

Dear Dave,

Thank you for your contributions to the Trade Union Right of Access debate on 14 October. I am writing to provide information on the areas you requested further clarification on.

Frequency and duration of access

Consultation responses raised a mixture of views on the 'model' terms of access agreements, including frequency and duration of access. Having considered those responses, the government's position is that weekly access provides the right amount of regularity to ensure effective engagement between unions and workers. It also provides a predictable and structured amount of engagement for employers. That is why it has been included as a model term. I can confirm that frequency of access, and other 'model' terms will form part of the Government review. Regarding the length of meetings, this is for both employers and unions to negotiate and agree upon in the detail of the access agreement. The Code of Practice provides further clarity in relation to frequency of access.

Practicality of visits

Access may take many different forms depending on the workplace and workforce involved. This could include workplace visits, meetings with workers, digital communications, online meetings, workplace noticeboards or a combination of these approaches. The framework recognises that access arrangements suitable for an office environment may be different from those suitable for a manufacturing site, warehouse, transport hub or care setting. Access agreements are intended to reflect the particular circumstances of the workplace concerned.

Access facilitated by Third Parties

The framework recognises that, in some workplaces, access may depend on the co-operation of organisations other than the employer, such as site operators, landlords or other organisations that control access to a workplace. This scenario may be encountered where, for example, a trade union applies for an access agreement with a security company that

employs security staff who service a workplace that is managed by a different employer. The policy intends for these workers to be able to enjoy the benefits of the right of access policy. In this scenario, the trade union, the employer and the owner of the physical premises should ensure that access takes place in accordance with the access agreement.

In this scenario, the security company would be required to take reasonable steps to facilitate access. This would involve engaging with the organisation responsible for the premises on which their security staff work, in order to arrange access. If this engagement does not result in arrangements for access being made, or the employer responsible for the premises does not engage with the process, then the employer of the workers or the trade union could refer the access request to the CAC for decision.

Non-Statutory Guidance

Employers, workers and trade unions have had sufficient notice of the regulations via the Code of Practice that was laid in Parliament on 6 July 2026. The regulations and the Code are the only documents which provide a full account of the law and should be the basis of preparations. We have also been working with unions and business representative organisations to support readiness in the lead up to access going live on the 30 October. As part of this, we have considered whether it is helpful to publish the non-statutory guidance in the lead up to the 30 October, or to delay publication to allow us to incorporate findings and learnings that are based on access arrangements that are in place. Given feedback from Business Representative Organisations and trade unions, we have determined that the best course of action is to pause publication so that the feedback on how access is operating on the ground can be appropriately reflected in the document. We will work closely with all concerned stakeholders to further develop the guidance in this way, and we will determine the best publication date in due course.

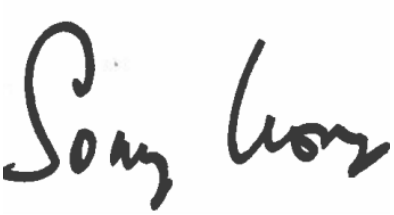
Review and Data

Finally, as I outlined in the debate, the government has committed to review how the right of access framework is operating as a whole within 6 months of implementation. We will publish our findings and proposed next steps following the non-statutory review.

I hope this provides the clarification sought. We welcome continued dialogue on these matters as the Right of Access policy comes into force.

I am depositing a copy of this letter in the Library of the House.

Yours Sincerely,



Lord Leong CBE
Minister for Small Business and Enterprise
Department for Business, Innovation, Science and Trade