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# Education Trade Unions Report

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**Report being considered by:** Schools Forum on 18<sup>th</sup> June 2018

**Report Author:** Keith Watts

**Item for:** Information **By:** All Forum Members

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## 1. Purpose of the Report

1.1 To inform members of the activities of the teacher trade unions

## 2. Recommendation

2.1 None

<b>Will the recommendation require the matter to be referred to the Council or the Executive for final determination?</b>	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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## 3. Introduction/Background

### 3.1 Introduction

Schools employing union officers receive payments to compensate them for releasing union officers to work with members experiencing professional pressures and difficulties (casework) and to support groups of members either in individual schools or through negotiation and consultation with the local authority acting on behalf of its schools (collective work).

The time that the officers are released is known as union facilities time.

This arrangement means that every school does not need to release members of their own staff to be trained and to undertake casework. This would be a legal requirement but disproportionately expensive.

### 3.2 Individual Issues

The union officers spend most of the facilities time dealing with member teachers and headteachers. Teachers in West Berkshire schools are able to contact their union representative directly by email or telephone. Issues raised by members in this way are known as casework. Casework with individuals can be divided into capability; disciplinary; grievance; and contracts, pay and conditions including redundancy.

Whenever possible we give advice on how the member can try to resolve the matter for themselves. This is often successful, as local officers know individual schools well and are often able to advise teacher members how they can deal with a problem informally. However, there are a number of cases where the union officer has to make contact with school management, human resources provider or an LA officer directly. This may involve a face-to-face meeting. School policies confer a right for employees to be accompanied at most meetings by a union representative. Human resource providers seek to encourage this.

### **3.2.1 Capability**

In its broader sense, this now includes support through performance management as well as the formal capability procedure. The capability procedure may be invoked when the employer deems that an employee's performance is below that expected. An employee is entitled to be accompanied by a union representative at all stages.

The appraisal system provides for support for teachers who are experiencing difficulties and schools usually use this well. Teachers are entitled to be supported by a trade union representative throughout this 'support through appraisal' process. It sometimes falls to us to get our members to face some hard facts. Accepting that there is a problem moves someone a lot closer to working to fix it.

Questions of capability also include incapability through illness. Usually an employee is referred for a consultation with an occupational health medical professional and advice to management is produced. This advice is discussed with the employee, who is entitled to be accompanied by a union representative. We have noted a continuing small increase in the number of ill health capability cases. These cases can be very complex. Schools have for some years carried the cost of replacing absent staff and are very cost aware. School managements are, in our experience, keen to do the right thing by their staff while seeking also to safeguard the interests of their pupils. The public sector equality duty has placed additional responsibilities on school management in dealing with staff whose incapacity may be regarded as a disability and we seek to find the best solution for all concerned in some very complex cases.

### **3.2.2 Appraisal**

We have noted this year an increase in contact from members concerned about their experience of appraisal e.g. changes of appraiser, changes to targets, targets the member believes are unachievable, requests for evidence of achieving every teacher standard, being classified as 'Requires Improvement', 'Good' or 'Outstanding'.as well as failure to be recommended for a pay increase.

### **3.2.3 Disciplinary**

This includes investigations of complaints and allegations as well as any formal hearings. An employee is entitled to be accompanied by a union representative at an investigative interview and at any hearing.

### **3.2.4 Grievance**

This is where the employee lodges a grievance against their employer. Formal grievances are quite rare, but very time consuming for all concerned. The Model Grievance Procedure encourages that attempts should be made for issues that might lead to a grievance to be resolved through informal discussion between school management and the member, supported by their union officer either in person (or, more frequently, through prior discussion between the member and the union officer). An employee is entitled to be accompanied at meetings.

Grievances can also be collective (a group of employees who are affected by the same issue) rarely reach the formal stage.

Grievances are difficult to classify as they are often related to interpersonal relationship but we note an increase in the advice we are giving to do with workload and contractual obligation.

### 3.2.5 Contracts, Pay and Conditions

Contracts, Pay and Conditions issues such as pay determination, questions of what teachers can be directed to do are becoming increasingly common but are often straightforward to resolve.

### 3.3 Collective issues

These include consultation on changes to working conditions such as pay policies, sickness absence policies, codes of conduct restructuring and redundancy.

This school year has seen just a few restructurings accompanied by the risk of redundancy even though budgets are under further pressure. The redundancy procedure is complex and often involves multiple meetings. The threat of redundancy can quickly undermine morale in a school and often the role of union officers is to reassure and support employees as well as ensuring that correct procedures are followed. Calls and emails from members when a school consults on restructuring are high.

The author is unaware of any one losing their job through redundancy in the past year. The fact of a school being overstaffed is often enough to trigger some staff to leave for pastures new.

When schools elect, or are compelled, to become academies the ACAS guide to Transfer of Undertakings (Protection of Employment) regulations known as TUPE requires consultation with staff and union representatives through the process. There is always at least one meeting with staff and unions and often one or more change in employment practice that is consulted on.

### 3.4 LA Policies and guidance

In addition to the above, time has been spent on formally meeting with councillors, discussion of policy and guidance documentation that the LA to issue to schools (saving schools the need to consult/negotiate at a school level) and research, planning, inter-union and internal union consultation.

## 4 Funding 2017-8

Union	Members	Flat Rate Element	Additional funding distributed in proportion to membership numbers
NASUWT	574	£1,129.23	£13,615.98
NUT	572	£1,129.23	£13,568.53
ATL	485	£1,129.23	£11,504.79
NAHT	90	£1,129.23	£2,134.91
ASCL	47	£1,129.23	£1,114.90
<b>Totals</b>	<b>1768</b>	<b>£5,646.15</b>	<b>£41,939.11</b>

## 5 Consultation and Engagement

Secretaries of the recognised teacher trade unions (Association of Teachers and Lecturers, Association of School and College Leaders, National Association of Headteachers, National Association of Schoolmasters Union of Women Teachers, National Union of Teachers)