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# Education Trade Unions Report

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**Report being considered by:** Schools Forum on 15<sup>th</sup> July 2019

**Report Author:** Gary Upton

**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

It is well known that most teachers are members of trade unions. The work of a trade union is not confined to collective issues or individual difficulties alone. Good relationships between the unions and employers are shown to ease relationships between the school and staff and help ensure orderly transitions with regards to policies and in many cases allow issues and concerns to be dealt with before formal processes are necessary. All employers who employ a union representative are required to provide adequate time off to allow adequate training to ensure the smooth running of operations and to assist members both collectively and individually. One cost effective way of providing this is by pooling arrangements into a facilities pot. Schools employing union officers receive payments from this pot of money to release union representatives to carry out the above duties and activities. The time that the officers are released is known as union facilities time. Such pooled arrangements means that every school does not need to release members of their own staff to be trained and to undertake casework.

### 3.2 Individual Issues

The union officers spend most of the facilities time dealing with member teachers and head teachers. Teachers in West Berkshire schools are able to contact their union representative directly by email or telephone. Union representative spend much time dealing with Issues raised by members, both formal and informal. Much of our work is received from members once they received formal notification of capability; disciplinary; grievance; or consultation on change to contracts, pay and conditions including redundancy. However it is fair to say that many members ask questions regarding these before any formal process has begun and effective meetings between reps and employers and between reps and members negate the need for formal processes. Much rep time is also spend on collective issues arising from meetings or in the case of issues such as contractual changes including pay and redundancy.

In less formal cases 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. Where issues do become formal this then becomes officially opened as a 'case', the union officer will usually make contact with school management, human resources provider or an LA officer directly and may accompany members to meetings and offer formal advice to the member, this is known as casework. 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. It is also our duty to ensure and ask the employer/school whether adequate support and training has taken place. Where we see a reduction in capability issues we usually find this is because of good dialogue between unions and employers. We consult on policy with West Berkshire and employers and like to ensure that a "no surprises" culture is evident in appraisal policies which mean our colleagues have access to top quality training and support to help them improve.

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. 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. As above, where staff are well supported back to work and where issues of stress are reduced, the need for formal ill health capability is reduced.

### **3.2.2 Appraisal**

As discussed above, constructive appraisal is vital for our members to know exactly where they stand with regard to their CPD needs, where this is provided and policy is well negotiated we find our time is spent more on working with employers to review policy and process rather than firefighting capability or disciplinary issues. We have noted again this year that some of our members tend to contact us during the target setting phase of the appraisal cycle, these are usually resolved through discussion and advice to the member.

### **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.

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 2018-19

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)