

Schools' Forum Working Party on Trade Union Facilities, September 2015.

Protocol on the Engagement of Trade Union Representatives (Acting as Caseworkers) with Schools and Human Resources Business Partners

Schools and academies that contribute to the trade union facilities (TUF) fund are able to access the expertise and attendance of trained caseworkers at all formal and informal meetings without any further cost. If a contributing school or academy has to release an employee who is a caseworker for such TUF duties they are able to claim payment from the fund for the time this takes. Schools that do NOT contribute cannot access either the expertise of a TU trained caseworker or claim from the fund. However, employers are still bound by a statutory duty to release TU reps on full pay to be trained to carry out their role. This may cost more than contributing to the TUF fund.

Trade union representatives acting as caseworkers or otherwise representing members at either formal or informal meetings or hearings, review meetings and appeals should adopt this protocol as good practice. It sets out the level of appropriate conduct for all parties involved in resolving employee relations issues in Nottinghamshire schools.

This protocol acknowledges that an effective framework for managing employee relations in schools is important and recognises the valuable contribution which local partnerships make to resolving employment relations issues in Nottinghamshire schools.

Trade union representatives, caseworkers, head teachers, governors and HR business partners should :

- seek to build effective professional relationships and trust by behaving courteously and with mutual respect for each other, avoiding conflict and aggressive or unprofessional behaviour.
- recognise that employees are responsible for contacting and briefing their trade union representative who will provide timely and appropriate professional support and advice.
- ensure that when trade union representatives and county council employees visit schools they comply with the school's visitors' policy and make an appointment prior to any visit.
- ensure all contact and discussions regarding casework is subject to strict confidentiality concerning personal, sensitive data relating to employees, schools and the County Council to comply with the provisions of the Data Protection Act.
- advise their member(s)/employees of the confidential nature of casework which should not be discussed inappropriately with other staff in the school or commented on via any kind of social media or publicly.
- obtain appropriate permission before sensitive, personal and/or medical information is shared with a third party.
- respond promptly to contact and correspondence and confirm important information in writing where necessary to avoid misunderstanding.
- make every effort to find 'cover' to avoid delay in progressing a case when parties are unavailable for periods of time, for example, due to restrictions on trade union working time. (See below**)

- ensure that every effort is made to adhere to procedural timescales, so that pre-arranged meeting / review or hearing dates take place and formal letters and papers are exchanged on time, unless otherwise agreed.
- hold pre-meetings where appropriate and be prepared and punctual for all meetings.
- ensure that TU members and others understand the importance of preparing for and attending meetings at agreed dates and times and immediately alert all parties should difficulties emerge which may cause delay.
- all work proactively to ensure that employment issues are resolved as quickly as possible and will never advance a position on behalf of the employee or the school that lacks integrity.
- recognise the entitlement of employees to be accompanied or represented but will also aim to minimise the administrative impact on the school and reduce the burden of bureaucracy.
- ensure that TU members/employees are informed of all possible outcomes, options or developments to facilitate a speedy resolution taking into account both the interests of the employee and the school.

Use of Trade Union Facilities Fund.

In the interests of transparency and appropriate use of public money representatives in receipt of trade union facilities time will record brief details of how this has been used. They will be accountable via their union to the Nottinghamshire Schools' Forum which will monitor and report on how the money is allocated and spent.

Right to be Accompanied.

All Nottinghamshire employment procedures set out the detail of entitlement of an employee to be accompanied or represented. All school employees have a statutory right to be accompanied when required to attend a meeting that could result in a formal warning which will be placed on an employee's record, dismissal (including redundancy) or any other formal hearing, including appeals against such sanctions.

No formal action can be taken against a recognised trade union representative until the circumstances of the case have been notified to the appropriate trade union officer.

(**Where a meeting needs to be re-arranged by the trade union for some urgent reason, they will immediately contact the school to explain the reason for the postponement. A new date will be set within five working days of the original date. Failure to provide adequate notice of unavailability or explanation may result in a decision for a meeting arranged within the required timescales set out in the relevant procedure to go ahead without the employee or trade union representative.)