



Nottinghamshire Schools Trade Union Facilities Agreement for Accredited Representatives of Recognised Trade Unions

May 2019

HR Advice, Support and Training Service

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Trade Union facilities – Nottinghamshire Schools

Introduction

1. This agreement sets out a framework to further develop, promote and maintain a positive employee relations climate in Nottinghamshire schools. Behaviour will at all times be courteous, professional and demonstrate mutual respect. All discussions will be entered into with the intent to reach agreement. The legislation relating to time off for trade union duties applies to all employers, including those responsible for maintained schools, academies and free schools. This agreement which brings together arrangements for trade union representation, consultation and negotiation may therefore be adopted by all schools irrespective of their governance arrangements. The purpose of this agreement is to improve educational outcomes for all pupils by further developing and enhancing a positive employee relations climate and staff wellbeing in Nottinghamshire schools to the benefit of all employees, their trade unions, head teachers, governors and the employer.
 - 1.1 In April 2018 the Schools Forum decided that all maintained schools will receive their individual contribution on a delegated basis and meant that all schools (maintained and academies) had to “opt in” to the TUF Scheme to benefit from the pooled resource. In December 2018, the Schools Forum reconsidered this decision and from 1 April 2019, confirmed that the Delegated Schools Grant will be top sliced so that all maintained schools automatically benefit from the pooled scheme. Academy Schools must still “opt in” to confirm their membership of the scheme.
 - 1.2 The pooled scheme provides a cost effective mechanism for schools to discharge their responsibilities to allow county wide trade union representatives “reasonable time off” to undertake local trade union duties. The scheme provides a financial contribution towards the replacement cover costs for member schools who release locally accredited recognised trade union representatives from their substantive post to undertake their official trade union duties on a county wide basis in Nottinghamshire schools.
 - 1.3 Academy schools who decide not to “opt in” will have no access to local trade union representatives and will have to make arrangements with the relevant regional trade union representative which is likely to impact on casework and consultation procedural timescales. Nottinghamshire County Council's HR Service strongly recommends that all academy schools opt in to benefit from this pooled resource. The key benefits of contributing to the pooled scheme are set out in the locally agreed arrangements included in **Appendix 1**.
 - 1.4 Accredited representatives from recognised trade unions are entitled, by law, to reasonable paid time-off to perform specified trade union duties and to undertake relevant training. Trade union members, including representatives, may also request unpaid time off to undertake trade union activities. Together these arrangements constitute “facility time.” The granting of such time-off remains a matter for the

employer, ie Nottinghamshire County Council, the governing body or academy/trust. This document provides information on how to manage requests for facilities time.

- 1.5 This agreement applies to all trade unions recognised by Nottinghamshire County Council / the relevant academy trust to work in their schools. The agreement is supported by a Protocol attached as **Appendix 2** negotiated between the county council HR Service /the relevant trust and local recognised local trade unions. This protocol provides a practical framework and commitment for the collective management of employee relations in our schools. Where a trade union is not recognised by the employer, employees have no statutory right to time off to undertake any duties except to accompany an employee to a disciplinary or grievance hearing.
- 1.6 The trade unions recognised by the county council / academy trust are ASCL, NAHT, NASUWT, NEU, Unison and GMB.

General Principles

2. The general principles of this agreement are based on an understanding that both the trade unions, school leadership teams and the employer accept their joint responsibilities for ensuring a well-ordered system of trade union organisation and employee relations and a recognition of the contribution that can be made by trade unions and their officials to the smooth running of schools.
 - 2.1 All parties commit to meaningful discussions and will make every effort to reach agreement or resolve all employment issues, including casework, at “grass roots” level, avoiding unnecessary costs and or delays in managing casework. Duties and responsibilities of trade union representatives will be arranged in such a way as to minimise disturbance to their substantive employment and impact on the operational management of the school. All parties must respect and maintain confidentiality of information provided in line with the Data Protection Act 2018, especially where the disclosure would harm or prejudice the union or employer business interests.
 - 2.2 Trade union officials seeking release time through the TUF scheme will be employed in a substantive post within a Nottinghamshire school. The provision in legislation is for employees to be permitted “reasonable time off”. Normally, it should be possible for representatives to fulfil their main trade union duties with between 0.1 and 0.2 FTE release time and a maximum of 0.4 will be considered in line with current DfE guidance, “Advice on trade union facility time” January 2014. It is expected therefore, that all employees should spend the majority of their working time carrying out their substantive post/main duties in their own school. The proportion of release time may need to be amended for practical reasons where an employee seeking release time works part time where this would be unreasonable or impractical for those employed part time. Release time funded through the scheme will be limited by the available budget. It is for each trade union to determine how their allocation for trade union duties will be used and the responsibility of the trade union and the employee representative to negotiate their release time with their employing school.
 - 2.3 It is expected that Trade Union officials elected to represent members in schools, have arrangements in place to allow for their release. The following arrangements

will be put in place as agreed between the county council, the employer and the relevant trade unions to ensure:

- a) spending on facilities time is transparent and efficient;
- b) full accountability and transparency on the use of facility time provided to the employer by the trade unions. Reporting and recording arrangements for trade union officials to account for duties and activities undertaken during facilities time are set out in **Appendix 3**;
- c) public body audit requirements and DfE trade union facilities reporting requirements are met.

2.4 These objectives have regard to the Industrial Relations Code of Practice of the Employment Rights Act 1996; Section 43 of the Employment Act 2002, the ACAS Code of Practice No.3, 'Time Off for Trade Union Duties and Activities' and the relevant sections of the Burgundy Book, (August 2000), together with any appropriate provisions either recommended and/or prescribed by national bodies within local government, e.g. a particular National Joint Council.

2.5 This agreement shall apply to all independent trade unions, and their officials, party to the agreement as set out in paragraph 1.6. Time off for the purposes allowed in this agreement shall be subject to notification/request as far in advance as possible. Permission shall not be unreasonably withheld, however, shall at all times have regard to:

- a) the exigencies of the requirements of the school which must be the priority;
- b) the principle that the provisions should operate within the resources available within the scheme and should not impose undue burdens on County Council, the school, Academy Trust and /or other employees.

This agreement applies to all maintained schools. It should be noted that academies and free schools may choose to adopt this formal agreement but are not bound by its content, unless they decide to formally adopt it.

2.6 Each year, the trade union release time will be planned and agreed between the employing school and the individual trade union official on an annual basis as far in advance as possible and confirmed using **Appendix 4** in this document. Except for meetings convened by head teachers/management requiring the attendance of a trade union official, at short notice, on an "as and when necessary" basis, any other duties of a trade union official shall be so arranged as to minimise any disruption to their normal duties, to colleagues and the school. It is therefore recognised that timetabling all or part of the agreed time off on a regular basis may be appropriate to reduce disruption. This, however, shall not alter the substance of the agreement.

2.7 In cases of doubt in the operation of this agreement, on either side, the head teacher should consult the Nottinghamshire County Council's HR Service for advice and further clarification. The operation of this agreement shall be reviewed at the request of either side and normally on an annual basis.

- 2.8 The Facilities fund should not be accessed to provide cover costs where none is required or arranged i.e. head teachers or senior leaders who undertake official trade union activities / duties where the employing school does not incur additional cover costs for teaching or managerial duties.

Trade Union Officials/Accredited Representatives

Definition

3. Reference herein to a trade union official shall accord to the definition contained in the Trade Union and Labour Relations (Consolidation) (TULR(C)A) Act 1992 sections 168-173, namely "any person who is an officer of the Union or of the Branch or Section of a Union or who (not being such an Officer) is a person elected or appointed in accordance with the rules of the Union to be a representative of its members or some of them, including any person so elected or appointed who is an employee of the same employer as the members of one or more of the members whom he is to represent". This definition will include local association officials and case workers, where they have been appointed to represent members in line with the rules of the union. However, this fund is restricted to the primary purpose of providing replacement cover costs for locally employed trade union officials who work on a county – wide basis and release time to attend regional or national is not funded through this scheme. The school, county council / academy trust will not fund the salaries or costs of school based or county wide representatives undertaking regional or national roles or duties.
- 3.1 For the purpose of this document:
- a) a "trade union official" means a local official employed in a Nottinghamshire school elected by the trade union to work on a county – wide basis in Nottinghamshire schools.
 - b) a representative is an employee appointed to represent and undertake trade union duties within their own school and are not funded by this scheme.
- 3.2 In the case of (a) above this means accredited local trade union officials of the recognised teachers' organisations stated in paragraph 1.6 whose necessary duties are at:
- a) local level for the trade union and its members who are employed in schools contributing to the scheme within the county boundary;
 - b) local authority level to put views to the authority concerned as appropriate, to consider proposals, to conduct correspondence, to consult members of the trade union individually or collectively;
 - c) association level within the area of the main unit of the organisation;
 - d) county-wide at school level.

Note that the TUF scheme and the definition excludes any employee who is appointed as a school based representative in their own school.

Appointment of trade union officials

3.3 County – wide representatives

On appointment of a trade union official, the trade union shall provide the following information to their head teacher and the Director of Children's and Families Service in writing within five working days:

- the name and work place of the official, date of appointment, the role and duties they will be undertaking, the release time requested (FTE), within the overall annually agreed trade union allocation and the name of any trade union official replaced;
- confirmation that the appointment was in accordance with the rules of the union and that the official will continue to be accredited as such until the head teacher and the employer is notified by the union that the appointment is terminated.
- Each trade union will confirm the names of its officials on an annual basis to the scheme administrator using **Appendix 4 and 5**.
- Confirmation to the Director of Children's and Families Service that the employing school has agreed to release the employee and has done so on a full understanding of the replacement cover costs to be made to the school as determined by this agreement, subject to the overall budget availability. The current rate for teachers is MPR 6 (excluding NI and Superannuation and any other on-costs) or less if cover employee paid at a lower rate. **See Appendix 5**

3.4 School based representatives

On appointment of a school-based trade union representative, the trade union shall provide the above information to the head teacher and to the Director of Children's and Families Service / Academy Trust as appropriate.

Time off for trade union duties during the school day, other than for agreed training, should be avoided wherever possible and should be considered in the light of the ACAS Code of Practice No 3, "Time off for trade union Duties and Activities" (January 2010).

In relation to the appropriate functions, the employer shall only deal with the trade union officials who have been accredited in accordance with this procedure or with Regional Officials.

Trade Union Duties - time off with pay

4. The employer recognises that reasonable time off with pay, during normal working hours must be afforded to accredited trade union officials to perform their employee relations trade union duties as stated in the ACAS Code of Practice No.3, 'Time Off for Trade Union Duties and Activities' (January 2010). These duties shall include:
 - a) negotiation with the employer, or other functions connected with subjects of collective bargaining, such as terms and conditions of employment, redundancy

and dismissal arrangements with appropriate levels of management for example at panel and other joint meetings;

- b) preparation for negotiations, including attending relevant meetings, informing union members of progress and outcomes of negotiations or consultations;
- c) meetings with other lay officials or full-time union officers on matters which are concerned with employee relations between the officials and the employer and any associated employer and their employees;
- d) matters of discipline, including case preparation, accompanying members and representing members at formal interviews, hearings and appeals in the application of formal employment procedures;
- e) appearing on behalf of members before a disciplinary/appeals panel of an outside body (such as an employment tribunal) which is dealing with the matter concerning the employee;
- f) attending training in respect of industrial relations relevant to carrying out their trade union duties. The training must be approved by the Trade Union Congress or by their trade union;
- g) advising new employees whom the official will represent about the role of the union in the workplace employee relations structure

Time off without pay – trade union activities

5. Whilst there is no statutory requirement to grant 'time-off' other than as set out in paragraph 4 above, the employer recognises that trade union officials have responsibilities, other than those which fall strictly within the meaning of Section 61 of the Employment Rights Act 1996. Trade union representatives may therefore request reasonable unpaid time off during working hours to take part in trade union activities. Activities include:
- meetings with full time officials, or local branch, area, regional or national executive meetings of the union;
 - meetings of official policy making bodies such as the national executive or annual conference (see 5.1. below);
 - voting in union elections.
- 5.1 The activities set out in paragraph 5 above will be undertaken on the basis of time off without pay except that time off with pay shall be considered for attendance at Annual Conference subject to approval by the employer / governing body / trust. Reasonable time off for this purpose will only be considered where the constitution of the trade union concerned does not allow for the reimbursement of loss of earnings for attendance at conference. This will normally be limited to one delegate per union paid from the Trade Union Facilities Budget.
- 5.2 Facility time should not be used for any activities related to lobbying for, planning or carrying out industrial action. **There are no circumstances under which an employee can claim time off to take industrial action.**

Travel expenses

6. Payment of travelling expenses is the responsibility of the respective trade union.

School based representatives

7. The Nottinghamshire TUF scheme will not provide replacement cover costs for any school based representatives to undertake trade union duties or attend training. Such costs must be met by the employing school. Where an employee of a school is appointed by the trade union as an accredited school based employee representative, the school is required to provide reasonable paid time off to undertake trade union duties including:

- a) undertaking relevant employee relations duties as defined in this document 4 (a) to (g) and reasonable time off with pay to undergo training in aspects of employee relations which is:
 - relevant to the carrying out of their official trade union duties;
 - approved by the Trade Union Congress or by the independent trade union of which they are an official.

- b) **Trade Union Learning Representatives** School based employees who are elected trade union Learning Representatives are also entitled to reasonable paid time off during working hours to carry out their statutory functions and undertake recognised training. The representative must provide a written request to the employer in advance to enable the request to be properly considered by the head teacher / governing body.

c) **Health and Safety Representatives**

School based employees who are elected trade union Health and Safety Representatives are also entitled to reasonable paid time off during working hours to carry out their statutory functions and undertake recognised training. The Health and Safety Executive issues its own advice on training and codes for health and safety representatives.

Procedure for requesting time off

8. The procedure is as follows:
 - a) County Wide Trade Union Representatives – The financial allocations to each trade union to undertake trade union duties will be based on the TUF budget combining contributions from maintained and academy schools. The allocations to each trade union will be confirmed as soon as possible in the Spring Term. It will be the responsibility of the individual employee and their trade union to negotiate the FTE release time with their employing school and specify on what days / times the representative will undertake trade union duties and confirm this to the administrators of the scheme.

- b) School based representatives - Locally accredited Nottinghamshire school based trade union representatives, requesting time off to undertake trade union duties or training, should minimise disruption to the school and be prepared to be flexible so as to reduce the impact on the normal functioning of the school. Representatives should provide the head teacher/the chair of governors with as much notice as can be reasonably given (weeks not days) and give details of:
- the purpose of such time off in general terms
 - the intended location
 - the timing and anticipated duration of time off required, including travel time.
- 8.1 In providing this detail, due regard will be made to the need of trade union representatives to maintain confidentiality about the exact details of the work they are undertaking.
- 8.2 Representatives attending training courses, if so requested, should provide a copy of the syllabus or prospectus indicating the contents of the course.
- 8.3 When deciding whether requests for time off can be agreed, consideration will be given to the reasonableness of the request, i.e. whether there is adequate cover, the timing of the request, notice provided, whether cover is required, service provision will be unaffected and whether statutory requirements can continue to be met. Accordingly, when arranging meetings, the head teacher and the trade unions have a joint responsibility to agree a mutually convenient time, which minimises the effect of the absence from the school.
- 8.4 Each application for time off shall be considered on its merits, taking into account the agreed time off already taken or required in the future. Requests for time off and responses to them must be recorded given the requirements on all schools to provide information about trade union time facilities time and the obligation to allow representatives to undertake their duties.
- 8.5 From April 2018 there is a requirement for all schools employing more than 49 employees to comply with the Trade Union (Facility Time publication requirements) Regulations 2017. Further information about this legal duty can be accessed on Gov.uk website.

Trade union members

9. The employer recognises that to operate effectively and democratically, trade unions need the active participation of members in certain Union activities and will at all times have regard to Section 61 of the Employment Rights Act 1996, which states:
- "An employer shall permit an employee of his who is a member of an appropriate trade union to take time off, during the employee's working hours for the purpose of taking part in:
- a) any activities of an appropriate trade union of which the employee is a member;

- b) any activities, whether or not falling within the previous paragraph in relation to which the employee is acting as a representative of such a union, excluding activities which themselves consist of industrial action whether or not in contemplation or furtherance of a trade dispute".

9.1 In interpreting the above provisions, the employer will have regard to the ACAS Code of Practice No.3, 'Time Off for Trade Union Duties and Activities'.

Trade Union Facilities

10. In adopting this agreement, the employer recognises that trade union officials in pursuance of their duties which relate directly to Nottinghamshire schools and in order to perform their duties efficiently and to communicate effectively with members, other lay officials and full-time officers, require access to certain facilities. These are set out below:

No Charge

- a) accommodation for meetings and interviews (subject to availability) - except that in the case of schools or other buildings where letting fees may apply
- b) provision of a notice board - multi-union where possible (subject to availability);
- c) New starters – the local authority provides information to schools on how new starters to the authority can join one of the recognised trade unions.
- d) use of telephone - reasonable access in private if possible; *
- e) access to photocopying facilities - school work to have precedence; *

* Head Teachers to keep under review. In the event of any continued and excessive use the school retain the right to impose a charge is reserved if it is felt appropriate after consultation with the relevant trade union. It is understood by all parties that facilities should not be used for trade union activities which are only union facing and/or encourage or promote industrial action.

Recharge

Deduction of trade union subscriptions on behalf of members - subject to the individual employee's consent and to a percentage recharge to the individual trade unions as determined by the employer.

Appeals

11. Any grievance relating to the interpretation of this agreement shall be dealt with in accordance within the relevant schools procedures and where necessary with reference to ACAS.

Appendices

Appendix 1 - Nottinghamshire Schools Trade Union Facilities Scheme

Appendix 2 – Protocol on the Engagement of Trade Union Representatives (acting as caseworkers) with Schools and Human Resources Business Partners

Appendix 3 - Trade Union Facilities time reporting and recording protocols

Appendix 4 - Confirmation to Head Teacher of County Wide Trade Union Official Funded through Trade Union Facilities Budget

Appendix 5 - Trade Union Facilities Confirmation of Budget Distribution to Scheme Administrator (Local Authority)

Links to other documents:

Advice on trade union facility time – For school leaders, governing bodies, employers and employees in schools. January 2014 DfE

ACAS Code of Practice No 3 Time off for Trade Union Duties January 2010

| | Consultation Record - Meeting | Date |
|---|--|----------|
| 1 | JCNP Staffing Regulations Working Party- TUF | 15.11.18 |
| 2 | JCNP Staffing Regulations Working Party- TUF | 20.12.18 |
| 3 | JCNP Staffing Regulations Working Party- TUF | 2.4.19 |
| 4 | JCNP Staffing Regulations Working Party- TUF | 16.5.19 |
| | | |

The document is agreed by the following trade unions:

| Trade Union | Name | Position | Signed | Date |
|--------------------|-------------|-----------------|---------------|-------------|
| ASCL | | | | |
| GMB | | | | |
| NASUWT | | | | |
| NAHT | | | | |
| NEU | | | | |
| UNISON | | | | |

Appendix 1

Nottinghamshire Schools Trade Union Facilities (TUF) Scheme.

1. Introduction

This document sets out information for head teachers and governing bodies of Nottinghamshire maintained, academy and free schools about the provision of the Nottinghamshire Trade Union Facilities Scheme (“the Scheme”).

2. The Scheme

The scheme pools resources to enable all Nottinghamshire maintained (inclusive of special schools), free, academy schools / multi-academy trusts who contribute to the Fund, access to local trade union representatives for consultation and negotiation purposes and to represent school employees in the school’s management of HR/employee relations matters. The scheme is effectively an annual fixed cost ‘insurance policy’ to contribute to the cover costs of release time for locally elected school representatives who work on a county wide basis. Many schools are fortunate to have very few employee relations matters to manage, but the unpredictability of these issues make it important for all schools to have firm arrangements in place. The operation of the scheme is supported by a protocol (**Appendix 2**) negotiated between the county council HR Service and local recognised local trade unions which provides a practical framework and commitment for the management of employee relations in our schools.

3. Key benefits of joining the scheme

Joining the pooled scheme gives schools access to:

- (a) financial support is provided in accordance with the Section 251 Guidance detailing how funds dedelegated from schools should be used. Where cover is required, to contribute to the replacement salary costs of teachers and support staff who become locally elected trade union or health and safety officials to represent their members across the county’s schools. Trade union officials are entitled in law to paid time off to undertake training and to carry out official trade union duties. (See [Trade Union and Labour Relations \(Consolidation\) Act 1992](#));
- (b) local trade union officials from Nottinghamshire schools trained to provide support to school based employees on a county wide basis in all HR related casework, including redundancies, reorganisations, attendance, disciplinary, child protection, performance management, grievance issues. The availability of local trade union officials means that Head Teachers can manage employment based staffing issues with local officials who understand the Nottinghamshire context and policies thus avoiding delays

in managing casework. Schools who are not members of the scheme will be required to consult and manage casework with a limited number of full time regional trade union officials who may be based out of county and often have less availability;

- (c) the full range of locally negotiated HR policies, procedures, guidance documents and toolkits developed by the HR Service where schools buy an annual HR Advisory Service Package from the County Council. Academies and free schools who do not buy the County Council's HR Service or wish to develop their own trust wide policies will have access to local trade union representatives for consultation and negotiation purposes;
- (d) locally trained trade union officials to attend HR related hearings / appeals with head teachers and Governing Body panels. Local representatives have given a commitment to be available to attend meetings within the procedural timescales and be available to proactively work with schools to ensure that all casework is progressed as quickly as possible, thereby minimising the impact on employees and the school.
- (e) school leaders should contact the relevant trade union official in advance of setting a firm date for a hearing, appeal or consultation meeting to ensure the availability of a local representative. All parties will seek to agree a date within the context of procedural timescales.

4. The scheme arrangements

Maintained schools subscribe to the scheme automatically through the DSG. Academies and Free schools may “opt in” to the Scheme or will have to pay the full costs of any release time out of their own budget unless they contribute to this fund. It is important for governing bodies to be aware that schools who not subscribe, will still be required by law to allow their employees (teaching and support staff) access to trained trade union officials. Where staff are elected trade union officials to represent members in their own school, the school must still provide reasonable time off to undertake official trade union duties, to represent their members and to undertake training. All schools must comply with [ACAS guidance](#) – which defines these ‘trade union duties’ – as issued by order of the Secretary of State. All proceedings or consultations associated with employees’ pay and conditions of service including negotiating all relevant policies fall within these duties.

5. Monitoring and transparency

The Children’s and Families Service is responsible for managing the operation of Nottinghamshire’s Trade Union Facilities Scheme budget on behalf of the Schools Forum. Other important aspects of the scheme include:

- a) Financial allocations are paid directly to schools to contribute to the release cover costs of elected officers to undertake official duties across

member Nottinghamshire schools on a county wide basis. No money is paid directly to Trade Unions or individual Trade Union Officials.

- b) The facilities budget is 'ring fenced' solely to reimburse Nottinghamshire Schools who join the scheme and release their employees who are members of either ASCL, NAHT, NASUWT, NEU, UNISON or GMB to undertake county wide official trade union duties.
- c) In exercising its administrative and financial oversight, the Children and Families Service will provide an annual report to the Schools Forum detailing how the fund has been used by each individual trade union official and details of which schools have been reimbursed. This information is not reported to the Schools Forum on a case by case basis but is used to provide summary and yearly reports and most importantly to provide, through officers, assurance that the scheme is being appropriately managed.
- d) The scheme is open to audit scrutiny by Nottinghamshire County Council Financial Services Team (Audit).

6. Joining the scheme

All maintained schools are members of the scheme for 2019-2020 following the approval of Schools Forum to de-delegate the Facilities Fund from the DSG. (December 2018) Academies and free schools who wish to join must confirm their membership of the scheme each year by emailing Children and Family Services by the 31st January to ensure that there is a clear overall picture of the budget.

The cost for 2019-2020 is based on a charge per pupil of £1.51 for primary schools and £1.64 for secondary schools. Academies and Free schools are therefore strongly recommended to take advantage of this local scheme and "ring fence" this money in their budgets to support them to meet their statutory employment responsibilities and contribute to the continuation of good employee and trade union relations within their schools.

If you require any further detail or wish to discuss the above in more detail please contact the HR Duty Desk 0115 9774433 or your named HR Business Partner.



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

The Schools forum commissioned a working group of head teachers, officers of the local authority and trade union representatives to produce a joint protocol setting out a code of conduct relating to the management of industrial relations matters in schools .This document has been considered by the forum.

**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**

1. 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.
2. 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.
3. 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.
4. 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. Those planning meetings dates should be mindful of the overall availability of local representatives with paid release time when planning any such meetings. (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.

5. 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 any funding 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. It is noted that the Schools Forum will not receive details of any school or case work. Rather the yearly report will provide assurances that the fund is being monitored by the relevant LA officers.

6. 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.)

This protocol was originally agreed by Nottinghamshire Schools' Forum, September 2015

Trade Union Facilities Budget

Termly Record of TU Duties undertaken

Trade Union

Representative

Finance Year

Term Dates covered

*Each Representative must fully complete one form **each term** setting out how the trade union facilities time has been used on official **trade union duties**. **This is a condition of the TUF allocation by the Schools Forum. This will be used as a record to account for the use of TUF budget/ Facilities time assigned to each representative and will be included in the annual report to the School Forum. Please note: Information presented to the Schools Forum on duties will be anonymised. Expand form as required so that there is one line for each piece of casework / meeting attended.***

| | TUF Purpose | Name School /Meeting attended /Training undertaken | Comments re trade union work / activity undertaken | Date(s) | Number of days |
|-----|--|--|--|---------|----------------|
| 1.0 | Negotiation - Local Authority / NCC employer consultation meetings attended on behalf of members | | | | |

| | | | | | |
|-----|--|--|--|--|--|
| 1.1 | Negotiation - School based negotiations / consultation meetings | | | | |
| 1.2 | Negotiation - Preparation time relevant negotiation / consultation meetings | | | | |
| 2.0 | Casework - Formal Casework Activity Attending formal meetings / reviews (Specify eg discipline, Grievance, Attendance) Use separate line for each piece of casework | | | | |
| 2.1 | Casework – Preparation time / time spent with members / Informing member of progress (relate to information above as appropriate) | | | | |
| 3.0 | Training / Briefings - Attending Official Trade Union Training | | | | |
| 4.0 | Other - Other Duties not covered above (Please specify) | | | | |

Please expand and use additional lines as required.

I confirm this is an accurate record of trade union duties undertaken.

Name _____

Signed _____

Date _____

School at which employed -----

Deadline for submission: Please return each term within the following timescales:

Autumn Term by 31 January

Spring Term by 30 April

Summer Term by 31 July

Return to andy.wilson@nottscc.gov.uk

Appendix 4 – Confirmation to Head Teacher of County Wide Trade Union Official Funded through Trade Union Facilities Budget: Form to be completed by the relevant Trade Union and sent to:

1. (Name of) Head Teacher of employing school and address
2. Director of Children and Families Service. County Hall, West Bridgford, Nottingham. NG2 7QP FAO Andy Wilson, HR Service andy.wilson@nottscc.gov.uk

Dear Head Teacher

Cc Director of Children and Families Service,

Trade Union

Name of Representative

Further to our discussion, I confirm our agreement for the school to release the above named employee as set out below who has been elected as a Trade Union Representative in accordance with the trade union rules to undertake county-wide trade union duties. The replacement cover funding, where this is required will be paid at a maximum of the Main Pay Range (not including NI, Superannuation or allowances) or less according to incremental point. The scheme administrator will arrange for the school to receive fte funding based on the above in due course. The relevant information is provided below:

| | | | |
|---|--|----------------|--|
| Substantive School post Title | | Post FTE | |
| TU Position Elected to | | TU FTE Release | |
| TUF Day(s) of the week released | Mon: am/pm / Tues: am/pm /Wed: am/pm Thurs: am/pm / Fri: am/pm (Circle) | | |
| Release format | Weekly / Two weekly (Circle) | | |
| Effective date of appointment to TU Role | | | |
| Name of Official Replaced | | | |
| Brief Description of trade union duties to be undertaken: | | | |
| Name TU Official: | Signed: | | |
| Position in Union: | Date: | | |

Appendix 5: TUF Scheme - Confirmation of Budget Distribution to Scheme Administrator (Local Authority)~: Form to be completed by the relevant Trade Union and sent to: andy.wilson@nottscc.gov.uk

Director of Children and Families Service. County Hall, West Bridgford, Nottingham. NG2 7QP

Trade Union

Finance Year

Allocation for the Year

The following employees are duly elected to undertake county wide trade union duties for the period set out above. Please could you transfer funding for cover costs based on MPR 6 to the following schools:

| School/Academy | Name of TU representative and role for TU | Release time for TU duties. e.g. 0.1fte | Amount £ |
|-----------------------|--|--|---------------------|
| | | | |
| | | | |
| | | | |

I confirm that the employing head teacher has agreed to the release as stated above on the full understanding that the replacement salary cover costs (no payment for allowances, NI or Superannuation) will be based on the maximum of the Main Pay Range or lower according to the employees incremental point.

Notes

| | |
|---|--|
| Name of Officer Authorising the payment | |
| Date | |

