

ANNEX 2

TRADE UNION FACILITIES AGREEMENT

STATUTORY PROVISIONS

The provisions of this Agreement are in accordance with the Trade Union and Labour Relations (Consolidated) Act (TULR(C)A) 1992 and the relevant amendments made by the Employment Act 2002. This procedure is also based upon the recommendations within the ACAS Code of Practice 3: 'Time off for Trade Union Duties and Activities (Including guidance on time off for Union Learning Representatives)', published in 2003 (see Annex 3).

SCOPE

This Agreement applies to all employees, whether full or part-time, who are members of a recognised Trade Union, who are elected:

- accredited Trade Union branch officials
- accredited National officials of a union
- accredited Trade Union workplace representatives
- accredited Trade Union Health and Safety representatives
- accredited Union Learning Representatives

DEFINITIONS

For the purposes of this document, the term 'Trade Union' shall be taken to include all organisations, which are recognised for employee relations' purposes

The term 'branch official' is used to refer to full and part-time employees working on behalf of a Trade Union at branch level. He/she will have been elected in accordance with the rules of the Trade Union.

The term 'workplace representative' is used to refer to an employee who operates on behalf of a Trade Union at a local level. He/she will have been appointed in accordance with the rules of the Trade Union.

The term National Officials is used to refer to full and part-time employees who operate as National Executive Members and National Officers of unions.

The guidance in this document primarily applies to duties and activities, which relate to employee relations between GAT and its employees.

TRADE UNION / MANAGEMENT OBLIGATIONS

This Facilities Agreement underpins a partnership approach adopted between GAT and its recognised Trade Unions. Therefore, there are specific responsibilities on management and the Trade Unions in this context.

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The Trade Unions will:

- a) Confirm in writing to GAT which union members are elected or resign as officials or representatives at the earliest opportunity. This correspondence will state the position and constituency to which they are appointed as well the effective date of office.
- b) For teacher trade unions notice of any change of office must be confirmed in writing by the end of the spring term in order that Academies have a full term to make timetable and staffing adjustments as required. The period of office will follow the academic year i.e. commencing on 1 September and terminating 31 August, except those union officials with different periods of office.
- c) Provide appropriate training for officials and representatives;
- d) Give reasonable notice of time off requirements, i.e. four working days as per GATs 'leave of absence request' form

The Greenwood Academies Trust will:

- a) Seek to participate fully in arrangements within the local authority area with regard to time off with pay for any employees who are local or national trade union officers and in line with the provision of funding by the Local Authority to GAT permit reasonable time off with pay for trade union duties undertaken in that capacity.
- b) Will permit trade union representatives reasonable time off with pay to attend relevant training courses run by their trade unions or by other appropriate bodies.
- c) Ensure that management at all levels are familiar with arrangements relating to the Facilities Agreement;
- d) Ensure that Trade Union officials, representatives and members are not treated less favourably or disadvantaged during their employment for undertaking Trade Union duties or activities;
- e) Provide facilities and time off to recognised Trade Union officials, representatives and members, as detailed below.

ALLOCATION OF TIME OFF FOR TRADE UNION REPRESENTATIVES

Local or national trade union officers will receive time off with pay in accordance with the relevant local authority facilities agreement, as provided to the RUC.

Academy level (workplace) teacher union representatives will receive one period per week as timetabled trade union facilities time or as close to one hour as the length of teaching periods allows. Support staff union representatives will receive broadly comparable facilities time.

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All current GAT employee trade union representatives will suffer no detriment to their trade union facilities time.

Trade union representatives who are transferred to GAT employment will suffer no detriment to their trade union facilities time.

CONDUCT OF TRADE UNION REPRESENTATIVES

It is the responsibility of the respective Trade Unions to ensure that their representatives fully understand the extent of their authority and responsibility in their role. Any necessary training required will be provided and/or organised by the Trade Unions.

In the event GAT has any concerns regarding the conduct of a union representative, there will be the right to raise this with the relevant union, in line with relevant procedures.

In the event of any trade union officer be subject to any alleged breach of any formally adopted GAT procedure agreed with the Trade Unions, in accordance with the ACAS Code of Practice, the appropriate full time official will be informed prior to any action being taken by the employer

ENTITLEMENT TO TIME OFF FOR TRADE UNION DUTIES

It is recognised that Trade Union representatives have a key role to play in the employee relations process and in representing members both individually and collectively. The conditions set out below underpin this and detail the circumstances to which time off for Trade Union duties apply.

Trade Union representatives are permitted to take 'reasonable' time-off to carry out Trade Union related duties, subject to service requirements. It is GAT's prime objective to ensure a high quality service is maintained at all times. The Trade Unions should be aware of the range of operational requirements, which must be taken into account when considering requests for time off. Such factors include:

- Statutory requirements
- Service delivery
- The meeting of work deadlines
- The need for safety and security

Entitlement to time off applies where duties relate to:-

- Negotiations with GAT, as per section 178(2) of the TULR(C)A 1992; or
- Any other functions on behalf of GAT employees which are related to matters falling within section 178(2) of TULR(C)A 1992 and which GAT has agreed the union may perform
- Any other legislation which defines the rights and entitlements of trade union officers under health and safety and union learning representatives respectfully

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There is no statutory right to pay for time when a Trade Union duty is carried out at a time when the representative would not otherwise have been at work. However, where such hours are at the specific request of management, time off in lieu (TOIL), or in exceptional cases, overtime may be approved.

DEFINITION OF TRADE UNION DUTIES

Trade Union duties include matters relating to the following:

- Terms and conditions of employment, or working conditions of employees/workers
- Engagement or non-engagement, or termination or suspension of employment of one or more employees/workers
- Allocation of work or the duties of employment as between workers or groups of workers
- Matters of discipline and grievance
- Trade Union membership
- Facilities for officials of Trade Unions
- Machinery for negotiation or consultation and other procedures
- Any other matters associated with the legitimate interests of the Trade Union concerned and its members

A detailed breakdown is contained in Appendix A, as per the ACAS Code of Practice 3: Time off for Trade Union Duties and Activities (including guidance on time off for Union Learning Representatives) (2003).

ENTITLEMENT TO TIME OFF FOR TRADE UNION ACTIVITIES

GAT recognises that Trade Unions require the active participation of its members to operate effectively. As such, employees who are members of a recognised Trade Union are permitted to reasonable time off, during working hours to undertake union related activities.

Time off for the following activities will be paid:

- Attendance at workplace meetings to discuss and vote on the outcome of negotiations with GAT
- Accessing the services of a Union Learning Representative

Time off for these 'activities' will be 'reasonable' in all circumstances. All parties should seek to agree time off at a period, which minimises the disruption of GAT services.

TRAINING

GAT recognises that it is in the interests of good employee relations that Trade Union officials and representatives receive training to enable them to undertake their roles effectively. Therefore, Trade Union officials and representatives will be afforded the opportunity to attend training courses, which are specifically relevant to their role within the Trade Union, during working hours, subject to the needs of the service.

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It is the responsibility of the Trade Union(s):

- a) To ensure representatives and officials have received sufficient training to enable them to operate competently in their roles.
 - b) To pay for training fees and expenses, other than for courses organised by GAT.
 - c) In the case of ULR's, they must be trained:
 - At the time when the Trade Union provides GAT with written notification of the appointed/elected ULR's
- OR
- Within 6 months of that date and this again must be confirmed in writing. In exceptional circumstances, this 6-month period may be extended, subject to prior discussion and approval between the Trade Union and GAT.
 - d) To ensure that training is approved by the relevant Trade Union Congress of the recognised Trade Union, or by the Trade Union itself

Management will consider releasing officials and representatives for initial training in representative skills as soon as possible after their appointment/election.

Both officials and representatives will provide management with 10 working days' notice in advance of any training courses they wish to attend, where possible or a reasonable amount of time, which will allow continuation of service delivery.

PROCEDURE FOR REQUESTING TIME OFF

Academy based representatives requesting time off to pursue employee relations' duties or activities must notify the nominated manager at the earliest opportunity and complete a GAT 'Leave of Absence Request' Form. Consultation will then take place between relevant parties.

N.B: The Trade Union representative concerned will be consulted, along with the Union Branch Officer or Regional Official

FACILITIES

The following facilities will be provided for Trade Union officials and representatives to carry out Trade Union duties and activities:

- Use of accommodation for meetings;
- Access to telephone, e-mail and fax;
- Appropriate use of GAT email system and internal mail system in line with GAT policies and procedures;
- The deduction of Trade Union membership fees at source where this is feasible and agreed;

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- Secure accessible notice board facilities. The management of such notice boards will be the responsibility of the Trade Unions;
- Full access to GAT policies, procedures and documents relating to terms and conditions of service of staff they represent, via the intranet or hard copy, on request;
- Secure storage in which to keep Trade Union related documentation. Access to a computer and photocopying facilities will be granted, subject to discussion with the relevant manager.

ARRANGEMENTS FOR STAFF WITH NON-STANDARD WORKING PATTERNS

To ensure effective union representation, consideration will be given to:

- Employees who work shifts
- Part-time employees
- Employees employed in dispersed locations
- Employees with particular domestic commitments, which management have been made aware of.

Wherever possible, meetings shall be convened at a mutually convenient time, date and venue with the aim of causing minimal disruption to service delivery.

In the event that it is necessary for management to arrange a joint meeting which fall outside the 'normal' working hours for the categories of union members listed above, time off in lieu, or in exceptional cases, overtime may be approved.

Staff employed at dispersed sites, who are required to attend meetings with management, will be granted reasonable travelling time.

EXPENSES

GAT will only reimburse expenses incurred by officials and representatives where these specifically relate to duties undertaken at GAT's request. There will be prior agreement made with the relevant line manager before expenses are incurred.

Travelling expenses and subsistence allowances which have been incurred for GAT related duties will be in accordance with GAT travel and subsistence provisions.

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