

Dear Andy, **NASUWT Responses in red.**

It would be useful for Forum members to have a breakdown of the number of days released from their main duties (e.g. within the working day) from each union rep spent on the following duties;

1. Number of days met with the council over the last 12 months to:  
Joint negotiation and consultation between the Council and recognised Trades Unions which are of a corporate or Service Unit nature, affecting the employees of the Council.
  - **Are you talking about full council meetings or are you referring to the Schools forum meeting that used to meet under the chair of Jim Collins? Historically this forum met termly, now it does not meet at all. So none with the authority, there have been however, twelve meetings called by individual schools and academies for consultation over changes to working practice or TUPE transfer and relevant documentation! Allowing two hours per meeting, one hour for documentation follow up and 30 minutes each way travelling time, this equates to 48 hours or 8.0 days (see notes below)**
  - Joint meetings between the Trades Unions and the Council on a formal or agreed informal basis.
  - For the formal meetings I would refer to my previous response and to the notes below. With regard to informal meetings I have been called out on three occasions during the school day by the authority on behalf of individual schools for emergency meetings that did not carry an agenda. Allowing two hours per meeting, one hour for documentation follow up and 30 minutes each way travelling time, this equates to 12 hours or 2.0 days. **(See notes below)**
  - Meetings for preparation prior to joint meetings between the Council and the Trade Unions.
  - There have been no preparatory meetings called by the authority this year with the exception of the JICF which is clearly called prior to the announcement of education funding and council spending for the coming year.

Approved purpose as defined in Section 178 (2) of the Trade Union and Labour Relations (Consolidation) Act 1992.

## COLLECTIVE BARGAINING

### Introductory

178.—(1) In this Act "collective agreement" means any agreement or Collective arrangement made by or on behalf of one or more trade unions and one agreements and or more employers or employers' associations and relating to one or more collective of the matters specified below; and "collective bargaining" means bargaining negotiations relating to or connected with one or more of those matters.

(2) The matters referred to above are—

- (a) terms and conditions of employment, or the physical conditions in which any workers are required to work;
- (b) engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers;
- (c) allocation of work or the duties of employment between workers or groups of workers;
- (d) matters of discipline;
- (e) a worker's membership or non-membership of a trade union;
- (1) facilities for officials of trade unions; and

(g) machinery for negotiation or consultation, and other procedures, relating to any of the above matters, including the recognition by employers or employers' associations of the right of a trade union to represent workers in such negotiation or consultation or in the carrying out of such procedures.

(3) In this Act "recognition", in relation to a trade union, means the recognition of the union by an employer, or two or more associated employers, to any extent, for the purpose of collective bargaining; and "recognised" and other related expressions shall be construed accordingly.

I am not sure of the relevance of this section of the request hence the addition of section 178 to my responses, perhaps Claire can clarify which aspects of this section have not been answered in my responses to the information request.

- Participation in policy and planning issues and negotiations
- This is where it gets to the heart of the issue and an idea of the work that we do. It is impossible for me to give you the figures for the last twelve months as this would be a monumental task of recovering all of the e-mails for the past academic year and the attached documentation! I can though give you the current figures for the academic year Autumn term 2015/16. To date, I have been contacted by the authority on 65 occasions by e-mail, (I have not recorded the phone calls, with the exception of one call from the authority that lasted one hour and twenty minutes duration). Of those 65, 27 carried documentation that required my perusal and response and in some cases transfer to our legal department. The time spent on each document clearly can vary. Following negotiation, a settlement agreement and resultant case transfer can take up to four hours of time, this has to be done with a degree of urgency so that there is a minimum delay to the school, the member of staff and Thompsons our solicitors. If therefore you allow one and a half hours per document, this equates to 40.5 hours this equates to just over 6.5 days.
- Within the same time scale, Autumn term 2015/16, I have been contacted by schools and governing bodies and individual staff on 338 occasions, 49 of these carried documentation for my perusal and response. Some of these will be duplicated with documentation from the authority but if we cut it down to half of these, 25, as a minimum time of thirty minutes to check and thirty minutes to respond, that is still another 25 hours or 4 days.
- Collective bargaining with the Council on Conditions of Service and Employment. This includes the Joint Information Consultation Forum and the Health and Safety Committee.
- The JICF meets annually, usually prior to the new financial year. I have attended all meetings since being the accredited representative. These are always evening meetings between 1700 2000. This again is my time and has no impact on facility time.
- Meetings with new employees of the Council/School/Academy, to explain the role of the Union.
- There are two regular meetings with staff both employed by the authority and those employed by academies. The first takes place in the last week of August, aimed at the ITT students within the borough. As this takes place prior to the onset of the new term, it has no impact on the facility time allocation. The second is the presentation for NQT's. This takes place early in the new term in September with a follow up for those who missed it in January. Although this takes place

after the school day, an afternoon is taken to set up the Union presentation. I usually attend just one of these! 0.5 days

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- **NOTES**

- As you will be aware most contact is now done by phone or by e-mail, however, there is still a requirement to read the documentation and respond to it, to check its legality, to return it with amendments and consequently give it a second reading. It is difficult to quantify the time allocation which is why I have erred on the side of caution by allowing one to one and a half hours per document.

- With regard to casework, I have allocated two hours per case with thirty minutes of travelling time, this can of course vary depending on where the case is within the borough. Again I have erred on the side of caution.

2. Number of days to deal with matters of Grievance

3. See below.

4. Number of days to deal with matters of capability or disciplinary

5. See below.

6. Number of days spent on training

7. I am trained to level 4 as an advocate. In the last twelve months I have attended one mornings legal briefing on the changes to employment law and its impact on teachers. This was during allocated facility time. 0.5 day

8. Number of days attendance at National Conference.

9. NASUWT National Conference takes place over Easter, on Good Friday, Easter Saturday and Sunday and finishes on Monday. This has been the case since I have been the accredited representative. I have attended National Conference for the last ten years it has only had an impact on my time and that of my family. It has had no impact on the allocated facility time.

10. Number of days attendance at Trades Union Congress.

11. Attendance at Trades Union Congress usually applies to members of the National Executive. At no time in my time as accredited representative have I attended the TUC.

### Grievance and Capability

I hold the elected position of association secretary and negotiating and casework officer for the NASUWT, representing 1128 teachers within the borough of Telford and Wrekin. Within the period of time between the last schools forum and the previous one I had 134 meetings; that equated to 73 individual cases of casework. These were all to do with capability, discipline and grievance. Of these I can confirm that I dealt with four disciplinary cases, one of which was settled amicably, one that led to a demoted post, one that went to settlement agreement and an agreed departure from the school and one that led to dismissal and loss of career. There were two cases of grievance one of which reached tribunal. The rest of the cases revolved around capability, usually leading to time off from work and resultant absence management meetings and quite often settlement agreement,

there were also referrals involving bullying in the workplace and a small number of non-compliance by management of phase 4 Action short of strike action implemented. If you look at the total time spent potentially away from my workplace then we are talking 77 days in total. Currently I am allocated two days facility time, my current working practice is that I have Thursday out of the Academy but have cover available should I need to leave at any other point in the week. This allows me to work from my desk, (my role is senior manager of the ADAPT referral centre). The facility time allows cover to be provided for me on Thursday and to facilitate time for one of our PE staff to be available, with notice to cover me when required within the centre.

I fully appreciate the extreme budgetary demands on schools and the need to make everything count. I am also aware that the primary schools bore the brunt last year. This has been redressed as following negotiations with secondary heads, there has been a recommendation to buy in. I know that the three new academies of the co-operative academies trust have responded positively.

I would finish by asking my own questions, if you are questioning the value that we provide.

- 1/ Have you discussed with your staff what their opinions are? Do you want them to have highly experienced help and guidance with immediacy if needed?
- 2/ Have you sought advice and guidance from Peoples services/HR and taken their opinions on board?
- 3/ Have you sought advice and guidance from your own professional associations?
- 4/ If you have had little or no experience of dealing with the professional associations have you spoken to other heads that have?
- 5/ Have you spoken with senior members of the authority?

The choice ultimately is yours.