



FULL COUNCIL REPORT

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| Date Written | 7 th March 2017 |
| Report Author | Fran Donnelly |
| Service Area | Human Resources |
| Exempt/Non Exempt | Non Exempt |
| Committee Date | 22 nd March 2017 |

To: Mayor, Ladies and Gentlemen

Request for full time Trades Union Representative - National Association of Schoolmasters Union of Women Teachers (NASUWT)

1.0 SUMMARY OF THE REPORT

- 1.1 The council believes in the principle of collective bargaining at both national and local level and recognises the important role of trade unions in promoting and developing good industrial relations, robust health and safety practices and an effective learning environment.
- 1.2 The council also recognises that trade union representatives are entitled to reasonable time off to fulfil their functions and to undertake approved training relevant to those functions. The purpose of this report is to consider the request from the National Association of Schoolmasters Union of Women Teachers (NASUWT) for the appointment of a full time trade union official.
- 1.3 The council and trade unions agree as a general principle that each request for time off must be considered in the light of the operational requirements of the service.

2.0 RECOMMENDATIONS that

- 2.1 A full time trades union representative from the NASUWT, initially for 18 months, be approved to start from 1st April 2017.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 Merthyr Tydfil County Borough Council is a unionised organisation and forms part of the National Employers group for the NJC Green Book terms and conditions of employment and the revised edition of the conditions of service for school teachers in England and Wales ("the Burgundy Book") takes into account developments in national conditions of employment and changes to the legislative framework for the employment of school teachers. These set out for the Council and the schools of the county borough a need to recognise collective bargaining with trades unions.
- 3.2 All organisations are obliged to adhere to employment law and the Trade Unions and Labour Relations Act (TULRCA) 1992 sets out that all employers that recognise unions are legally obliged to consult with them as part of collective bargaining when specific types of employment issues are being changed.
- 3.3 As part of this legal obligation, all employers have to give trades union representatives "reasonable" paid time during working hours to be able to undertake their duties of supporting their union members in any workplace issues.
- 3.4 The NASUWT have requested that their part time union official become a full time official as the role has expended into the role of the Negotiating Secretary and also a member of the NASUWT National Executive. The NASUWT have also cited an increase in general trade union activities which in the provisions of the Burgundy Book require full time release from teaching duties.
- 3.5 Support for staff requests to fulfil full time trade union duties can be agreed for an academic year and reviewed no later than May/June of that academic year. The full time release would commence on 1st April 2017 with review in May/June 2018.
- 3.6 What constitutes "reasonable" time isn't defined in law; it is for employers and unions to agree. Having had these discussions locally, and following a review of the other 21 Welsh Authorities and their current amount of trades union facilities time, it was deemed "reasonable" to create a full time post.

4.0 REASONABLENESS OF FULL TIME FACILITIES TIME

- 4.1 The Merthyr Tydfil membership of NASUWT stands at 301. This figure represents full members and does not include other categories, for example students or retired members and as such demonstrates that the time that the representative would need to effectively support their members is a full working week.
- 4.2 The Council and schools acknowledge that individual unions have different structures and that the balance between functions carried out by representatives cannot be precisely defined. The following, however, lists the Council's/School's expectations of the functions to be carried out by representatives, within the context of the legal provisions:
 - representing their trade union in corporate consultation and negotiation with officers and Members, including the formal consultation/negotiation machinery;

- representing their union in directorate level consultation and negotiation on 'major' issues, or issues with corporate implications;
- acting as the link between the Council/School as an employer and trade union members on membership administration issues (eg. check-off);
- liaising with other representatives on corporate/strategic issues;
- undertaking 'case work' on behalf of their members, including representation at disciplinary, capability and grievance hearings and resolution of individual and collective disputes;
- carrying out communications and consultation within their union structures on corporate/strategic issues;
- training and developing accredited local representatives; and
- conducting their union responsibilities in accordance with the principles of the union's rule book/code of good practice.

4.3 The facilities time will be a secondment into the role still employed by the school/council, which means the substantive post is still legally the main post of the seconded employee. When the secondment ends the employee has a right to return to their substantive role.

4.4 Also, if the current proposed representative steps down from the union role, then the current incumbent would revert back to the substantive role. This would not necessarily trigger another employee taking the full time facilities role as a review would be undertaken.

5.0 FINANCIAL IMPLICATIONS

5.1 The financial implications are £49k, this is for the backfill as a result of the secondment into the Trade Union post. The commitment is to be financed through earmarked reserves for 2017/18 and included within the Council's Medium Term Financial Plan thereafter.

6.0 SINGLE INTEGRATED PLAN AND SUSTAINABILITY IMPACT SUMMARY

6.1 There are no issues.

7.0 EQUALITY IMPACT ASSESSMENT

7.1 An Equality Impact Assessment (EqIA) form has been prepared for the purpose of this report. It has been found that a full assessment is not required at this time. The form can be accessed on the Council's website/intranet via the 'Equality Impact Assessment' link.

GARETH CHAPMAN
CHIEF EXECUTIVE

COUNCILLOR PHIL WILLIAMS
CABINET MEMBER FOR GOVERNANCE
AND CORPORATE SERVICES

| BACKGROUND PAPERS | | |
|--|-------------------------|--------------------------|
| Title of Document(s) | Document(s) Date | Document Location |
| | | |
| Does the report contain any issue that may impact the Council's Constitution? | | No |

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.