



FULL COUNCIL REPORT

Date Written	1 st October 2018
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Service Area	Human Resources
Exempt/Non Exempt	Non Exempt
Committee Date	24 th October 2018

To: Mayor, Ladies and Gentlemen

Request for Trades Union Representatives from the National Association of Schoolmasters Union of Women Teachers (NASUWT) and the National Education Union (NEU)

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.
- 1.3 The purpose of this report is to consider the request from the National Association of Schoolmasters Union of Women Teachers (NASUWT) for the extension of the appointment of a full time trade union official and the request from the National Education Union (NEU) for the extension of the appointment of a part time trade union official.
- 1.4 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 The full time trades union representative appointment for the NASUWT be extended to cover the period September 2018 to August 2020.
- 2.2 A part time trades union representative for the NEU be extended to cover the period January 2018 to August 2020.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 For many years employers have funded time off for trade union duties for school employees who are trade union representatives.
- 3.2 Trade union representatives carry out a range of complex and demanding activities such as advice, representation and negotiation. Funding for time off allows representatives to attend meetings during the working day. Without it, meetings involving trade union representatives – disciplinary, grievance, ill health and capability meetings, formal or informal, and consultation meetings on changes to working arrangements – would be much more difficult to arrange. Meetings would usually have to take place in the evening or at weekends, affecting everyone involved.
- 3.3 Union representatives help to resolve issues at an early stage. If less facilities time was provided, fewer issues would be resolved informally, resulting in a significant increase in costs to schools and workload for school leaders and local authority officers. Disciplinary, grievance and capability issues would be more likely to escalate, with cases more likely to reach employment tribunals.
- 3.4 Involving trade union representatives effectively can help reduce dismissal and exit rates, meaning lower recruitment costs and better staff morale and productivity. It also reduces workplace-related injuries and illnesses through better health and safety standards.
- 3.5 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.
- 3.6 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.

- 3.7 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.
- 3.8 The NASUWT have requested that their full time union official continue with their full role on a continued secondment basis, as the role continues to be the Negotiating Secretary and 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.
- 3.9 The NEU have requested that their current official be given three days of facilities time a week and that the duties are undertaken on a part time secondment basis. The NEU have cited an increase in general trade union activities and an increase in membership following the merger of a number of trade unions which in the provisions of the Burgundy Book require a release from teaching duties. These additional days have been granted on a temporary basis from January 2018 due to the current NEU official operating above the agreed facilities time allowance following the merger of the NUT and ATL Trade Unions.
- 3.10 What constitutes “reasonable” time isn’t defined in law; it is for employers and unions to agree. Having had these discussions locally taking into consideration the anticipated involvement that trade unions would have with school matters, it was deemed “reasonable” to continue the full time post and agree to the creation of the part 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 NEU in Merthyr Tydfil have a 59.3% membership rate of the total registered teachers. If it does NOT include supply teachers then the NEU in Merthyr Tydfil have a 52.3% of the total registered teachers membership rate.
- 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.

4.5 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.

5.0 FINANCIAL IMPLICATIONS

5.1 The financial implications are set out in the table below

Financial year	18/19	19/20	20/21	21/22	22/23
Current budget	£15,630	£15,630	£15,630	£15,630	£15,630
Cost of new proposals	£52,954	£64,067	£69,513	£73,506	£79,225
Growth required	£37,324	£48,437	£53,883	£57,876	£63,595

6.0 INTEGRATED IMPACT ASSESSMENT

	Positive Impacts	Negative Impacts	Not Applicable
1. Merthyr Tydfil Well-being Objectives	1 of 4	0 of 4	3 of 4
2. Sustainable Development Principles - How have you considered the five ways of working: <ul style="list-style-type: none"> • Long term • Prevention • Integration • Collaboration 	5 of 5	0 of 5	0 of 5

• Involvement			
3. Protected Characteristics <i>(including Welsh Language)</i>	0 of 10	0 of 10	10 of 10
4. Biodiversity	0 of 1	0 of 1	1 of 1
Summary:			
The main positive impacts are staff within the school setting will receive the advice required in accordance with their employment provisions.			
The main negative impacts are NONE			

GARETH CHAPMAN
CHIEF EXECUTIVE

COUNCILLOR ANDREW BARRY
CABINET MEMBER FOR GOVERNANCE
& CORPORATE SERVICES

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
Request for Full Time Trades Union Representative (NASUWT) Council Report	22 nd March 2017	Intranet
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.