

# NATIONAL JOINT COUNCIL FOR STAFF IN SIXTH FORM COLLEGES

## Facilities Agreement (Time off for trade union duties)

### 1 Introduction

This Facilities procedure (time off for trade union duties) provides colleges with recommended guidance on the arrangements for Sixth Form College employees who are trade union representatives to take time off to undertake union duties. The guidance in this procedure is jointly recommended by the NJC for Staff in Sixth Form Colleges. Colleges may wish to adopt this procedure at local level or use it to inform consideration of existing arrangements to help promote effective working relations between the college and its employees.

### Legislation and Statutory Guidance

Legislation relevant to this joint guidance includes,

- The Trade Union and Labour Relations (Consolidation) Act 1992
- Employment Act 2002
- ACAS Code of Practice, *Time off for Trade Union Duties & Activities*
- ACAS Guidance, *Trade Union Representatives in the Workplace*

### 2 Scope and Purpose

- 2.1 This document covers the arrangements for the determination of time off for trade union representatives and trade union members employed by the college. The context of this document is determined by the Recognition and Procedures Agreement (Appendix 1, Conditions of Service Handbook). The recognised trade unions in sixth form colleges are the ATL, the NASUWT and the NUT for teaching staff and UNISON for support staff.
- 2.2 It is acknowledged that representatives of the recognised trade unions have certain statutory rights to take reasonable paid time off from work for purposes connected with the conduct of workplace employee relations matters, health & safety and learning and training activities (Union Learning Representatives). Staff who are members of a recognised trade union have the right to reasonable paid time off to take part in union activities.

### 3 Trade Union Duties

- 3.1 The College will permit trade union representatives reasonable time off with pay within their normal timetabled working hours (including remission from teaching and learning support in the classroom) for the purpose of carrying out trade union duties. The duties must relate to those matters for which the trade union has been recognised and be performed on behalf of the college's employees. The college will seek to ensure that all meetings convened by the college and involving trade union representatives take place within their normal working hours.
- 3.2 The specific duties and activities for which paid time off will usually be granted are<sup>1</sup>:
- Consultation with management on terms and conditions of employment (including pay and arrangements for pay determination). Examples: hours of work, holiday, sick pay

<sup>1</sup> The full statutory provisions can be found in the ACAS Code of Practice, *Time off for Trade Union Duties & Activities* and the HSE Approved Code of Practice, *Consulting Workers on Health and Safety*.

scheme, pensions, staff development and training, equal opportunities, travel and subsistence, notice periods, safety, occupational health.

- Consultation and negotiation with management on engagement or non-engagement or termination or suspension of employment or the duties of employment of staff. Examples: recruitment & retention policies, redundancy and dismissal arrangements.
  - Consultation and negotiation with management on the allocation of work or the duties of employment between staff, i.e., working practices.
  - Individual representation, e.g. disciplinary, procedures, internal appeals, grievance procedures.
  - Consultation and negotiation with management on activities associated with the membership of a trade union, e.g. involvement in staff induction, provision of the names of new staff to trade unions, deduction of subscriptions.
  - Consultation and negotiation with management on the arrangements for consultation and negotiation and other matters relating to recognition rights and communication, e.g. procedures for collective bargaining, disputes, joint consultation, communicating with members and full time trade union officers.
  - Attendance at local, regional or national meetings of the trade union where the business of the union is under consideration. Time off for trade union representatives and members to attend annual conferences and other policy-making conferences of their trade unions as a delegate will in all cases be time off with pay.
- 3.3 Provided that the duties are connected to consultation and negotiation on the range of matters outlined above, reasonable paid time off may be sought to: prepare for negotiations; to consult with employed officials or local representatives of their union, inform members of progress and explain outcomes to members.
- 3.4 Requests for time off will not be unreasonably refused so long as adequate notice is given. When giving consideration to requests for paid time off, management will take account of the difficulties faced by trade unions and their members due to the nature of many staff's work patterns, scattered workplaces and the demands on those with caring responsibilities.
- 3.5 The College will also permit trade union representatives a suitable allowance of time off with pay in order to allow them to carry out their duties in relation to communicating with and consulting members on an on-going basis. The college recognises that the requirement to undertake such work will fluctuate throughout the year and that it may be in the best interests of the college and the trade union representative to agree a flexible and varied schedule of hours each term.

#### **4 Training**

- 4.1 The college will support trade union representatives in receiving training to undertake their duties. Paid time off will usually be granted for representatives to attend TUC approved courses (or equivalent where provided by a representative's own trade union). Newly appointed representatives will be permitted reasonable paid time off for initial training in basic representational skills as soon as possible after his/her appointment. The trade unions will ensure that trade union representatives receive appropriate training to allow them to discharge their trade union duties.
- 4.2 To be granted paid time off for training purposes the trade union representatives should provide a copy of the course documentation, give reasonable notice, state the purpose of the training and indicate its relevance to the representative's duties.

## **5 Trade Union Activities**

- 5.1 The College accepts that staff who are members of a trade union have a right to reasonable time off to participate in the activities of a recognised trade union.
- 5.2 The college will allow trade union members to hold meetings on the premises outside their normal working hours, including at lunchtimes and immediately following the end of the student day. The timing of individual meetings will be agreed with the Principal. The trade unions will give reasonable notice of such meetings and will inform the Principal when external employed officials or local representatives intend to attend such meetings. The college will not unreasonably seek to place restrictions on the frequency or duration of such meetings or to the attendance of employed officials or local representatives. Such meetings should not disrupt the normal business of the college and all external visitors should report to reception on arrival as part of normal college procedures. If due to the nature of matters to be discussed an urgent meeting is required, the union will seek consent from the Principal to allow trade union members to hold and attend such meetings on the premises within their normal working hours. Trade union representatives will give as much notice as possible when seeking consent for such meetings and the college will not unreasonably withhold such consent.

## **6 Accreditation and Facilities**

- 6.1 A trade union representative must be an employee of the college who has been selected or appointed in accordance with the rules of the trade union concerned in order to be entitled to time off with pay.
- 6.2 The Principal will confirm receipt of notification of the names of trade union representatives. Accreditation as a representative will be withdrawn following notification from the trade union or on the representative ceasing to be an employee of the college. Trade Unions will advise the Principal of any changes on an annual basis.
- 6.3 The college will not take disciplinary action against a trade union representative until an employed official of that trade union has been consulted.
- 6.4 The college will provide suitable accommodation and facilities to be used for meetings by the Trade Unions and to interview members in a confidential manner.
- 6.5 Trade Unions will be provided with a notice board to publicise activities and provide general interest and may make reasonable use of the college's telephone, fax, e-mail, computing and photocopying facilities. The college reserves the right to challenge the propriety of any material displayed and following consultation material will be removed if it is deemed to be inappropriate.
- 6.6 Where the employees at the college are elected as trade union officers at branch, regional or national level, the provision of time off on a paid or unpaid basis for them will be discussed with a full time official of the union concerned.

## National Joint Council for Staff in Sixth Form Colleges

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Sixth Form Colleges' Association  
National Union of Teachers  
National Association of Schoolmasters  
Union of Women Teachers  
Association of Teachers and Lecturers  
UNISON