



Nottinghamshire County Branch

Stewards & Officers Guide

2010

Name _____

Constituency _____

EDUCATE - AGITATE - ORGANISE!

INTRODUCTION

This is your guide to who's who and what's what in Notts County UNISON. As a Branch, we are totally committed to the principle of the "member-led union", so it's important that everyone knows where they fit in and feels at home - it may not feel like it sometimes, but this really is your union!

If the Branch is going to operate efficiently and be truly representative of our membership, all Stewards and Branch Officers need to attend meetings and play a full part in them. This Branch Guide is to help you do that.

It certainly won't answer all your questions, but it will tell you who can and remember, the most experienced activist was once a nervous Steward attending her or his first meeting! Thanks for getting involved when there's so many who don't

Mike Scott

Mike Scott
(Branch Organiser)



NOTTS COUNTY UNISON

BRANCH GUIDE – 2010

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Available separately:

UNISON Rule Book
Stewards' Handbook
Branch Constitution and Standing Orders

WHERE DO YOU FIT IN?

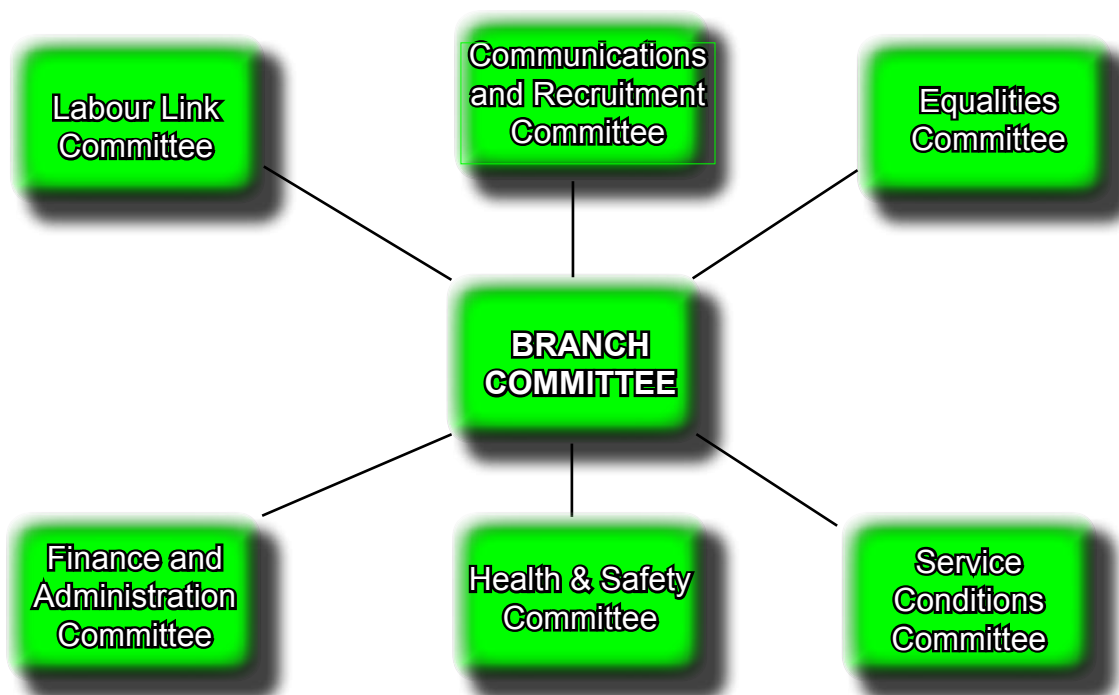
As a Steward, you are automatically a member of two key committees, your Departmental/ Sector Stewards' Committee and the Branch Committee. Meeting dates for both should be set at the beginning of each year and you are entitled to time off work (with pay) to attend. Convenors are responsible for arranging the time, date and venue of Stewards' Committees; the Branch Committee meets every six weeks, alternately in West Bridgford (County Hall) and Mansfield (Civic Centre). UNISON will pay travelling expenses for these and all other meetings you attend as a Steward, with the exception of "Management Meetings", e.g. JCNP's (Panel Meetings), where the employer will pay.

The Stewards' Committee discusses issues relating solely to your Department/Sector and has the authority to take most decisions on behalf of members in the Department - with the exception of ballots for Industrial Action, which must be taken by the Branch Committee. It also elects members to represent the Stewards' Committee on JCNP's (Panels) and certain Branch Sub-Committees (see below).

The Branch Committee is the main decision-making forum for the whole Branch, in between Annual/Special General Meetings of all members. It considers and ratifies proposals from its various Sub-Committees and makes decisions which cut across Departmental boundaries, e.g. pay, conditions of service, etc.

BRANCH STRUCTURE

The Branch has a number of Sub Committees which consider particular issues; their Minutes and recommendations are fed into the Branch Committee for discussion and ratification:



IF YOU HAVE A PROBLEM

If you have a query or a problem, your first port of call should be your Senior Steward or Convenor (see Appendix (3) for names and phone numbers); some Convenors work entirely from their own workplace, while others have a desk in the Branch Office. Senior Stewards and Convenors will have access to local and national conditions of Service and other information.

In an emergency, if you are unable to contact them, phone the Branch Office and ask for the Branch Secretary or the Branch Organiser (full-time officer). See below for guidance on some common problems:-

“WHAT HAPPENS IF

- Q. A member has an accident at work or on the way to work?**
A. Ring the Branch Office and ask for a legal assistance and accident benefit form to be sent to the member.
- Q. A member wants to have legal advice on an issue outside of employment.**
A. Advise them to ring the Legal Helpline via UNISON Direct (0845 355 0845)
- Q. A member is in serious financial difficulty and needs welfare assistance.**
A. Contact the Branch office. We will ask a Welfare Officer to ring you as soon as possible.
- Q. A member is in need of a convalescent holiday.**
A. Ring the Branch Office and ask that details and an application form are sent to the member.
- Q. A member asks for representation and/or advice and you are already representing/advising other members “on the other side”.**
A. See Appendix 4 and refer the member to your Convenor.
- Q. A member dies.**
A. Ask the Branch Office to send a letter of commiseration to the next of kin and a claim form for death benefit.
- Q. A member has been arrested by the police over an issue to do with their work.**
A. Contact the Branch Office immediately and inform the Branch Secretary or Branch Organiser.
- Q. A member thinks they are paying too much subscriptions.**
A. Refer them to the Branch Office.
- Q. A member is suspended from work.**
A. Try to contact your Convenor to discuss. Attend the suspension meeting and clarify only the terms of the suspensions. Advise the member to say nothing about the allegation(s).
- Q. A member is accused of harassment.**
A. Contact your Convenor - **DO NOT TRY TO DEAL WITH THIS YOURSELF.**

TRAINING COURSES

UNISON provides training for all Stewards and Branch Officers and it is important that you attend these courses; time off with pay is allowed and part timers will be paid for any part of a course they attend in their own time but during normal working hours. They are designed to help you do your job and give you the confidence necessary for the role. The Branch Committee has agreed that attending appropriate training courses will be a requirement for all Stewards and Officers:

UNISON Courses:

REGION:

Module (1): The Stewards' Introduction is a three-day course which is put on in various local venues twice a year.

Module (2): The Representation Course (Handling Disciplinary and Grievance Cases) is a three-day course, arranged on the same basis as Module (1).

These are the “bread-and-butter” courses that every Steward and Officer must complete as soon as possible after their election.

In addition, Advanced Representation Courses will be available for those wishing to go on to more complex work.

Full information on these and other UNISON courses will be sent to all Stewards on a regular basis by the Regional Education Officer, who can be contacted via the Regional Centre (0845 355 0845 and ask for the East Midlands Regional Centre).

TUC Courses

In addition to these UNISON courses, Stewards and Officers can opt to take a TUC Course. These are also put on twice a year at various local venues and are one day a week for twelve weeks (Stage (1)/Stage (2)). Information on these is sent out on a regular basis, via the Branch Office.

TIME OFF FOR UNISON ACTIVITIES

There is a “Facilities Agreement” in force in all Departments of the County Council, which has been negotiated by UNISON and the other Recognised Trade Unions. It covers what facilities must be made available to you and what time off you are entitled to - though in the latter case, this will to some extent be affected by which job you do. The arrangements agreed are a right, not a privilege, and no manager can refuse to follow them. If you have any problems with this, please contact your Convenor. Other employers who recognise UNISON will have their own agreements.

The County Council Facilities Agreement, together with the similar arrangement for school staff is attached, as Appendix (5).

Non County Council employers (e.g. FE Colleges, Probation, Fire Service) will have similar arrangements in place.

THE BRANCH COMMITTEE AND SUB-COMMITTEES

As mentioned above, the Branch Committee is the main decision-making forum for the Branch. All Stewards and Officers are entitled to attend and you should make every effort to do so: meetings are in work time at venues that are accessible for Stewards with disabilities, in Mansfield and West Bridgford. If you have a particular problem with attendance, please contact your Convenor or the Branch Secretary.

The Branch Sub-Committees are as below, with their membership and areas of responsibility outlined; further Sub-Committees may be established as necessary by the Branch Committee:

LABOUR LINK

- (a) Membership: (Convened by the Branch Labour Link Officer). All members affiliated to the Labour Party.
- (b) Function:
- * To review local and national Labour Party activity and make such representations as appear necessary, in line with Branch policy.
 - * To oversee Branch activity in relation to local Labour Party Branches and structures.
 - * To report to the Branch Committee on its activities.

COMMUNICATIONS AND RECRUITMENT:

- (a) Membership:(Convened by the Branch Communications Officer). One representative elected by each Stewards' Committee; Branch Equality Officer; Organisation and Recruitment Officer; ex-officio members (see below).
- (b) Function:
- * To develop and oversee a Branch Recruitment and Retention strategy.
 - * To produce a regular newsletter for members and encourage the production of Departmental newsletters.
 - * To assist in the promotion of democracy within the Branch, e.g. by encouraging attendance at meetings, etc.
 - * To publicise UNISON's local and national activities.
 - * To maintain the branch website.

EQUALITY:

- (a) Membership: (Convened by the Branch Equality Officer). Four members elected by each Self-Organised Group one representative elected by each Stewards' Committee; ex-officio members (see below); other Branch members as co-opted.
- (b) Function:
- * To oversee all equality work within the Branch and to make such recommendations to the Branch Committee as are necessary to ensure that all members are treated fairly and able to contribute to Branch activities.
 - * To review the way in which equality issues are treated by all employers with whom the Branch is involved.
 - * To oversee and support the operation of the Self-Organised Groups within the Branch.
 - * To recommend delegates to S.O.G. Conferences to the Branch Committee.

FINANCE AND ADMINISTRATION:

- (a) Membership: (Convened by the Branch Treasurer). Assistant Branch Treasurer; Branch Secretary; Assistant Branch Secretary; Branch Chair; Branch Vice-Chair; Welfare Officers; ex-officio members (see below).
- (b) Function:
- * To plan and manage Branch finances.
 - * To plan and manage Branch staffing and equipment requirements.
 - * To make recommendations to the Branch Committee on affiliations, donations and subscriptions.
 - * To consider and make recommendations to the Branch Committee on any matters not the responsibility of other Sub-Committees.

HEALTH AND SAFETY:

- (a) Membership: (Convened by the Branch Health and Safety Officers). Two representatives elected by each Stewards' Committee; Health and Safety Representatives as co-opted; ex-officio members (see below).
- (b) Function:
- * To oversee all Health and Safety work and training within the Branch.
 - * To review the way in which Health and Safety issues are treated by all employers with whom the Branch is involved.
 - * To recruit and support Health and Safety Representatives in all workplaces used by Branch members.
 - * To recommend Branch Representatives to sit on the County Council Central Health and Safety Panel to the Branch Committee.

SERVICE CONDITIONS:

- (a) Membership: (Convened by the Branch Service Conditions Officers). Two representatives elected by each Stewards' Committee; Branch Secretary; Assistant Branch Secretary; Branch Chair; Branch Vice-Chair; any Branch representative on the County Council Corporate Joint Forum not otherwise entitled to attend; Organisation and Recruitment Officer; Branch Equality Officer; ex-officio members (see below).

- (b) Function
- * To oversee and co-ordinate all matters relating to the pay and conditions of members.
 - * To ensure that all Central and Departmental negotiations conform with Branch policy.
 - * To make recommendations to the Branch Committee on such matters as pay campaigns and Industrial Action.
 - * To receive reports from Stewards' Committees and Central Negotiating Forums.

Ex-Officio Members:

Unless specifically mentioned, the following shall be ex-officio members of all Branch committees and Sub-Committees, with the exception of the Labour Link committee and the Self-Organised Groups:- Branch Chair, Branch Secretary, Branch Organiser, Branch Administration Manager

The Branch Chair and Branch Secretary shall be entitled to vote on any issue in any Branch Committee or Sub-Committee, with the exception of Departmental Stewards' Committees.

BRANCH COMMITTEE DATES 2010

Thursday, 21 January	County Hall	2-4pm
Thursday, 4 March	Mansfield Civic Centre	10.30-1pm
Thursday, 15 April	County Hall	2-4pm
Thursday, 27 May	Mansfield Civic Centre	10.30-1pm
Thursday, 8 July	County Hall	2-4pm
Thursday, 30 September	County Hall	2-4pm
Thursday, 28 October	Mansfield Civic Centre	10.30-1pm
Thursday, 9 December	County Hall	2-4pm

BRANCH OFFICERS (2009)

Chair	Julian Bailey (0115-981-0405)
Vice Chair	Maggie Pilmore (0115 981-0405)
Secretary	Denise Smith / Chris Tansley (0115-981-0405)
Assistant Secretary	Grace Perry (0115-981-0405)
Treasurer	Ged Talty (0115 -981-0405)
Assistant Treasurer	Jane Gannon (0115-981-0405)
Service Conditions Officers (2)	Jenny Hogg (0115-981-0405) vacany
Equality Officer	Ingrid Browne-Wallace (0115-981-0405)
Communications Officer	Bob Wallace
Health & Safety Officers	Martin Francis (0115-981-0405) Maggie Pilmore (0115-981-0405)
Welfare Officers (2)	Ged Talty (0115-981-0405) Jan Whooley (0115 981-0405)
Education Officer	Tina Carnachan (0115-981-0405)
Youth Officer	Vacant
Labour Link Officer	Maggie Pilmore (0115-981-0405)

NB: Where no phone number is stated, please ring or write to the Branch Office:

Nottinghamshire County UNISON

39 - 41 Loughborough Road

West Bridgford

Nottingham NG2 7LJ

Tel: (0115) 981-0405 Fax: (0115) 981-5697

Email: branch.office@nottsunison.org.uk

Website: www.nottsunison.org.uk

Departmental Convenors/Senior Stewards

Adult Social Care and Health:

Convenor: Grace Perry 0115-981-0405

Children and Young People's

Convenor (Ed/Schools) Hazel Allister and Ann Veal 0115-981-0405
 Joint Convenor (Soc & Yth Wk) Martin Sleath 0115-981-0405

Communities

Joint Convenor: Jenny Hogg 0115-977-4209
 Joint Convenor: Selwyn Seymour 0792 149 2980

Fire Service:

Convenor: vacant - contact Mike Scott 0115-981-0405

Further Education:

Lead Officer: Mike Scott 0115-981-0405

Resources

Joint Convenor: Maggie Pilmore 0115-981-0405

Chief Execs

Convenor: Maggie Pilmore 07775 704 484

Probation Service:

Convenor: Julie Preston 0115-845-5193

Private and Voluntary Sector

Lead Officer: Julian Bailey 0115-981-0405



**NOTTINGHAMSHIRE COUNTY UNISON
JOB DESCRIPTION – UNISON STEWARD**

Being a UNISON Steward/Representative is a part of your normal job, for which time off is allowed with pay (see your Facilities or Recognition Agreement). As it is an additional role, the Branch has produced this Job Description as a guide to what you can expect to do, once you have completed the relevant training.

Please Note: You will not be expected to take on any new responsibility until you feel confident to do so.

Main Duties and Responsibilities:

1. To represent members in a workplace or constituency by:
 - (a) Acting as the first point of contact for members with queries or problems
 - (b) Keeping in touch with members' views on union/work issues.
 - (c) Reporting back to members as necessary from Stewards' Committee and Branch Committee meetings.
 - (d) Dealing with members' queries/problems or passing them on to your Convenor as soon as possible (NB: You will not be expected to deal with issues directly until you have completed the basic training).
 - (e) Passing on Health and Safety queries to the Branch Health and Safety Officer, if there is no local representative.
2. To recruit new members into the union and pursue the highest possible level of UNISON membership.
3. To hold workplace meetings when requested by the Branch.
4. To ensure there are UNISON noticeboards in each workplace and keep them up-to-date.

Essential Requirements for Post:

1. Enthusiasm and an interest in Trade Union issues!
2. Attending basic training as soon as possible after being elected.

Continued over.....

Training Required:

1. Module One – The Organising Steward (3 days total)
2. Module Two – Representing Members (3 days total)
3. Stewards are encouraged to complete further Modules (see Training Programme Booklet) and any other approved courses that will assist them in their role as a UNISON representative.

Meetings to Attend:

1. All Stewards should attend their Departmental/Sector Stewards' Committee (usually 4-6 weekly)
2. All Stewards are encouraged to attend the Branch Committee (6 weekly).

You are entitled to paid time off work to attend both meetings and training but should give your manager as much notice as possible of dates.

Time Off for Trade Union Activities:

As noted above, where UNISON is formally Recognised by your employer, you are entitled to certain Time Off by law. If your employer is Notts County Council (including Schools), we have negotiated a Facilities Agreement which all managers must honour (see Branch Stewards' and Officers' Guide). Please refer any problems with Time Off to your Convenor or to the Branch Office.

If you have a different employer, the Branch will have negotiated a Recognition Agreement, including provision for Time Off. Please refer any problems with this to the Branch Office.

CODE OF PRACTICE WHERE UNISON MEMBERS IN CONFLICTING POSITIONS REQUEST REPRESENTATION

Because of the spread of UNISON membership in the County Council and other employers, it is not infrequently the case that representation or support is requested by members in conflicting positions. This Code of Practice is designed to lay down clear procedures in this situation which must be followed in every case, unless determined otherwise by the Branch.

- 1 If a Steward/Officer becomes aware that a member on the other side of a Grievance, Disciplinary or Harassment case that they are handling may request assistance, they should inform the Branch Secretary or the Branch Organiser immediately.
- 2 If a Steward/Officer is approached by a member in relation to a Grievance, Disciplinary or Harassment case, where it is known that a different Steward/Officer is already representing another member in a conflicting position, they should inform the Branch Secretary or Branch Organiser immediately. The member should be informed that a decision on representation would be made as soon as possible.
- 3 In the above situations, the Branch Secretary or Branch Organiser should raise the matter at the next meeting of the Branch Management Group, which shall be authorised to make decisions on representation by the Branch Committee.
- 4 In general, the Branch Management Group shall order separate representation of similar status for members in conflicting positions, except in the following situations:
 - (a) Where a member has refused to accept the advice/support offered by UNISON, or
 - (b) Where a member has admitted or is clearly guilty of conduct liable to lead to their suspension or expulsion from UNISON.
- 5 In an emergency, when a decision cannot wait until the next meeting of the Branch Management Group, the Branch Secretary or Branch Organiser shall be authorised to make a decision, subject to ratification at a later date.
- 6 The Branch will not represent management witnesses in Disciplinary Hearings. Any involvement will be exceptional and purely supportive in nature.



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E7: Employment Relations Agreement

1. Introduction

1.1 This agreement sets out a framework for good employment relations within Nottinghamshire County Council. It brings together arrangements for consultation and negotiation within the Authority and sets out provisions for trade union time off and facilities. As part of this agreement a Joint protocol has been drawn up which is designed to set the standard for the way in which employment relations are carried out within the Authority.

The agreement has been revised to take account of the provisions for Trade Union Learning Representatives as contained in the Employment Act 2002.

2. Joint Protocol

2.1 This joint Protocol will govern the way in which Nottinghamshire County Council and its recognised Trade Unions work together co-operatively towards a common goal of quality public services. It is designed to help further develop, maintain and promote a positive Employment Relations climate, which will benefit all service users, employees, managers and Elected Members. The Authority and the recognised Trade Unions expect that this protocol will be adhered to at all times.

Expectations

- a)** Behaviour will be courteous and professional with mutual respect being shown.
- b)** Any discussions will be entered into with the intent to reach agreement.
- c)** The Authority's Management and Trade Unions will each respect the legitimate role of the other.
- d)** Effective consultation will rely on all necessary information being shared.
- e)** Initiation of and response to consultation will take place in good time and reasonable notice will be given of any meetings called.
- f)** Those involved in consultation exercises will be able to make recommendations at the appropriate level and decisions within their level of authority.
- g)** In circumstances where it is clearly agreed that there is a legitimate need to maintain confidentiality in relation to certain information, this will be respected and observed.
- h)** The principles of equality of treatment will apply at all times.

3. Aims

3.1 The aim of this agreement is to set out mechanisms that will ensure the effective implementation of the Joint Protocol.

3.2 It recognises the importance of maintaining good employment relations; this will be balanced at all times with the need to avoid unnecessary costs and maintain the effective running of services.

3.3 The agreement has regard to Sections 168, 169 and 170 of the Trade Union and Labour Relations (Consolidation) Act 1992, Section 43 of the Employment Act 2002 and the ACAS Code of Practice "Time off for Trade Union Duties and Activities", together with any appropriate provisions either recommended and/or prescribed by national bodies within local government.

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4. General Principles

4.1 This agreement applies to all of the constituent trade unions of the Corporate Joint Forum and the Departmental Joint Consultative and Negotiating Panels, and their officials, recognised by the County Council for collective bargaining purposes.

4.2 In recognition of the responsibilities of school governors, school based non-teaching employees are not covered by the corporate agreement but by a parallel document entitled 'Trade Union Relations with Schools' ([see Appendix 6](#)).

4.3 Time off for the purposes allowed in this agreement shall be requested as far in advance as possible to ensure that all reasonable notice is given. Permission shall not be unreasonably withheld and shall at all times have regard to the demands of the service and the principle that the provisions should operate within the resources available to the County Council and should not impose undue burdens on other employees. Further guidance in this respect can be found in [paragraph 1.1](#).

4.4 As a general rule time off shall be on the basis of "as and when necessary" subject to the principles outlined in [paragraph 4.3 above](#), other than for those officials whose positions attract regular time off ([see paragraph 7.3. below](#)).

4.5 Except for meetings convened by management requiring attendance of a trade union official any further duties and activities of the trade union official shall be arranged so as to minimise any disturbance to their normal employment.

4.6 If there is doubt about the operation of this agreement on either side, which cannot be resolved within the Department, the Service Director (Human Resources), Corporate Services Department should be consulted. Either side can request a review of this agreement.

5. Definitions of Trade Union Officials / Accredited Representatives

5.1 In this agreement the definition of a trade union official is as set out in the TULRCA 1992, i.e., “any person who is an officer of the union or of the branch or section of a union or who (not being such an officer) is a person elected or appointed in accordance with the rules of the union to be a representative of its members or some of them, including any person so elected or appointed who is an employee of the same employer as the members of one or more of the members whom they are to represent.”

5.2 Under the Management of Health and Safety Regulations 1992, the council has a legal responsibility to consult trade union safety representatives, allow them to inspect and investigate workplaces and provide information and facilities to enable them to carry out this work.

5.3 Under the Employment Act 2002, the Council shall permit an employee who is a member of a recognised trade union, and a learning representative of the trade union, to take part in analysing learning and development needs, providing information and advice about learning and training matters, arranging learning and training and promoting the value of learning and training.

5.4 These roles can be fulfilled by stewards being appointed as safety or learning representatives or by trade union members acting solely as safety or learning representatives. Accreditation facilities and time off for safety or learning representatives will apply as per other representatives.

6. Formal Arrangements for Consultation and Negotiation

6.1 Consultation and negotiation within Nottinghamshire County Council takes place at different levels depending upon the nature of the issue. The aim at all times is for meaningful discussions to take place at “grass roots” level.

6.2 Issues of specific departmental or service relevance will be addressed locally through Departmental or Service Joint Consultation and Negotiating Panels (JCNP). A model constitution for a typical JCNP is shown at [Appendix 1](#).

6.3 Corporate issues i.e. those that have implications across the Authority, are discussed through the Corporate Joint Forum which meets at 2 monthly intervals. Informal interim meetings with the trade unions are held bi-monthly between each formal meeting. These will be discursive in nature with the aim of finalising proposals to be brought to the Corporate Joint Forum for ratification. In addition the Central Health, Safety and Welfare Panel considers issues specific to health and safety at a corporate level. Meetings between the trade unions and the Chief Executive on specific issues may take place on an ad hoc basis at the request of either side. The Service Director (Human Resources), Corporate Services Department will also attend as appropriate.

6.4 Most employee related decisions are delegated to the Chief Executive and other officers delegated by the Chief Executive with whom responsibility for full and proper consultation lies. Where agreed procedures are not followed, the trade unions will have access to the grievance/disputes machinery.

6.5 Where decisions that would have previously been made by Committee are made by an officer, evidence of full and proper consultation with the trade unions and its outcome will be included in the prescribed documentation recording the decision made. Trade unions will have full access to all published decision records.

6.6 The Chief Executive, (and other officers delegated by the Chief Executive) should ensure that unions are fully consulted, at the earliest opportunity, on issues that could affect their members. A joint protocol has been drawn up governing relationship between Nottinghamshire County Council and its’ trade unions within the new political arrangements. This is attached in full at [Appendix 4](#).

6.7 Should unions wish to dispute a decision that has been made, the Resources Cabinet Member and the Service Director (Human Resources), Corporate Services Department should provide a conciliation role in the first instance. Where conciliation fails to reach agreement or proper process is not followed, the trade unions will have access to the grievance/disputes machinery.

6.8 The Local Joint Resolutions Committee is the forum where Members of the County Council consider differences which cannot be resolved between Corporate Directors and trade unions at Joint Panels, or which cannot be resolved through the Corporate Joint Forum.

6.9 Two trade union representatives of the Corporate Joint Forum will be elected by the trade unions to attend Personnel Committee and Public Protection Committee in an observer capacity (with the right to speak but not vote on matters being considered).

6.10 Two trade union representatives of the Corporate Joint Forum will be elected by the trade unions to attend Overview Select Committee meetings together with meetings of the subsidiary Select Committees. Trade union representatives have the right to speak but not to vote upon matters being considered.

6.11 Trade union representatives attending Committees will be subject to the same provisions in respect of exempt items as members of the public and media representatives.

6.12 Approval of corporate personnel policies and strategies is through the Personnel Committee on which the trade unions are represented.

7. Trade Union Accreditation/Constituencies

7.1 Corporate

7.1.1 It is recognised that the activities of certain trade union officials will concentrate on corporate issues, dealt with through Corporate Joint Forum. These agreed posts are listed at [Appendix 2](#); the names of individuals occupying these positions will be notified to the Service Director (Human Resources), Corporate Services Department. Any change in individuals appointed to these positions will be notified within 5 working days; the relevant Corporate Director will then be notified and the corporate duties of that official can commence. The Service Director (Human Resources), Corporate Services Department will keep a record of those in post.

7.1.2 A corporate budget for the agreed posts will be implemented to ensure equitable funding of corporate trade union activity. This is set out at [Appendix 2](#).

7.1.3 The regular time off set out in [Appendix 2](#) is based on job descriptions produced by the trade unions concerned. Any changes to these job descriptions must be notified to the Service Director (Human Resources), Corporate Services Department and changes to regular time off may be negotiated where necessary.

7.2 Departmental

7.2.1 Upon appointment of a trade union steward, the trade union shall notify the relevant Corporate Director, in writing and within 5 working days, of the name and work place of the individual, the role which they will be undertaking (e.g. steward, health and safety or learning representative), date of appointment and constituency (e.g. by employee group, establishment, section(s)) and the name of any trade union official they have replaced.

7.2.2 Following confirmation that the appointment has been in accordance with the rules of the trade union, and in the case of learning representatives that the training condition has been met in respect of that person, the official will be accredited as such until the Corporate Director is notified by the trade union that the appointment is terminated, or the employee moves to another post or occupational group outside the agreed constituency. In any case, the trade union will be required to confirm the names of its officials to the appropriate Corporate Director on an annual basis. Corporate Directors will keep a record of accredited stewards within their own department. Where a number of appointed officials work in a particular part of the organisation, both management and trade unions need to be particularly mindful of the needs of the service when requesting / granting time off for trade union duties, activities or training.

7.2.3 Following notification, Corporate Directors shall issue an appropriate form of recognition, showing the year of issue, (together with copies of this agreement and any appropriate procedures relating to grievance and disciplinary matters) to the steward concerned.

7.2.4 In relation to the appropriate functions, the County Council shall only deal with the trade union officials who have been accredited in accordance with this procedure, or with full time paid officials of a recognised trade union. The exception to this might be the inclusion of members of self-organised groups from within a recognised trade union on corporate or departmental working groups, where it is appropriate for members of a particular group to be involved. Trade union representatives will work within their given constituency, and cross-constituency representation will take place only in exceptional circumstances.

7.3 Departmental Management shall seek to agree with the trade unions the number of trade union officials required and the constituencies that each will represent, subject to a review as required by either management or trade unions. If agreement cannot be reached, either party may refer the matter to the Service Director (Human Resources), Corporate Services Department.

8. Time Off

8.1 With Pay - Trade Union Duties

The County Council recognises that reasonable time off with pay must be afforded to trade union officials to perform their employment relations duties. Examples of Trade Union Duties, including those of Health and Safety Representatives and Learning Representatives, are listed at [Appendix 3](#).

8.2 Without Pay - Trade Union Activities

There is no statutory requirement to grant time off other than in [paragraph 8.1](#) above. The County Council recognises that trade union officials have responsibilities other than those which fall strictly within the meaning of Section 170 of the Trade Union and Labour Relations (Consolidation) Act 1992. Examples of these are listed at [Appendix 3](#).

8.2.1 Such responsibilities will be undertaken on the basis of time off without pay except that time off with pay will be allowed in the following cases:

i) To carry out the duties of an appointed or elected member who is the holder of a senior position within a trade union, e.g. a regional or national position.

ii) In respect of attendance at Annual Conference subject to the number of accredited delegates being specifically approved on each occasion by the Service Director (Human Resources), Corporate Services Department in consultation with the appropriate Corporate Director(s). This will only be allowed where the constitution of the trade union concerned does not allow reimbursement of loss of earnings for attendance at the Conference.

iii) Where time off with pay is recommended or prescribed by a particular National Joint Council or other similar national body.

iv) Recruitment of new members, maintaining membership and collection of contributions shall be subject to there being no undue disruption of work, i.e. restricted to immediate or close proximity of employees concerned.

The only exception to this will be where, by prior arrangement, an official formally covers more than one workplace, the area (or membership) is agreed and consideration is given to the needs of the service.

9. Safety and Learning Representatives

9.1 Time off with pay is allowed for trade union safety and learning representatives to carry out their duties, as set out in [paragraph 8.1](#).

9.2 The County Council's full agreement on consultation with employees on matters of health and safety can be found in the [Health and Safety Manual](#)

10. Trade Union Training

10.1 A trade union official will be allowed reasonable time off with pay to undergo training in aspects of industrial relations which are relevant to the carrying out of their duties, and approved by the Trade Union Congress or by the independent trade union of which they are an official.

10.2 The County Council recognises that accredited representatives are more likely to carry out their duties effectively if they possess skills and knowledge relevant to their duties. The County Council therefore allows accredited representatives reasonable time off during working hours to undergo training relevant to the carrying out of their trade union duties. Training should be in aspects of employment relations relevant to the duties of the representative. There is no recommended syllabus since representatives' duties will vary according to the collective bargaining arrangements, the structure of the union and the role of the official. The training must also be approved by the TUC or by the trade union of which the employee is a representative.

10.3 Representatives attending training, relevant to their duties at the workplace, must be paid for the time off taken. Where part-time employees, who are accredited trade union representatives, attend a course of training and the time spent exceeds the normal working hours, the employees will receive payment for the entirety of the course.

11. Procedure for Time Off for Trade Union Duties, Activities and Training

11.1 Accredited trade union representatives, requesting time off to pursue duties, activities or training, should provide management with as much notice as can be reasonably given and give details of:

- the purpose of such time off
- the intended location
- the timing and anticipated duration of time off required, including travel time.

11.2 In providing this detail due regard will be made to the need of trade union representatives to maintain confidentiality.

11.3 Representatives attending training courses, if so requested, should provide a copy of the syllabus or prospectus indicating the contents of the course.

11.4 When deciding whether requests for time off can be agreed, consideration will be given to the reasonableness of the request, i.e. whether there is adequate cover, relief cover is required, service provision will be unaffected and whether statutory requirements can continue to be met. Accordingly, when arranging meetings, management and the trade unions have a joint responsibility to agree a mutually convenient time, which minimises the effect of the absence from the workplace. For example, where workplace meetings are requested, consideration should be given to holding them towards the end of a shift or the working week or before/after a meal break.

11.5 Each application for time off shall be considered on its merits, taking into account the agreed time off already taken or in prospect.

11.6 Requests for time off for trade union activities and/or training shall, wherever possible, be made using the agreed proforma in [Appendix 5](#). This is to be submitted by the trade union to the relevant manager no less than 14 days prior to the commencement of the activity or training in question. The manager, following consideration of the needs of the service, shall inform the trade union whether the request can be acceded to no less than seven days prior to the commencement of the activity or training. It is recognised that meetings etc. are sometimes called at short notice, in which case requests for time off and responses to them must be made at the earliest opportunity. In exceptional circumstances, i.e. where urgent action is required and it is not possible to obtain prior written approval, time off may be taken with the verbal agreement of the line manager. In such cases, retrospective approval must be sought using the specified form; trade union representatives should inform their manager of the time incurred whilst undertaking union duties on this basis and the reason for it as soon as possible after the time off has been taken.

11.7 Requests for time off and responses to them must be recorded using the agreed form ([Appendix 5](#)). This form may be replaced by local agreement, where other reporting systems are in place, which provide the information necessary to monitor trade union time off and the responses of management to requests for trade union time off.

12. Trade Union Members

12.1 The County Council recognises that to operate effectively and democratically trade unions need the active participation of members in certain activities, and will at all times have regard to Section 168 of the Trade Union and Labour relations (Consolidation) Act 1992. This states that an employer shall permit an employee who is a member of an appropriate trade union to take reasonable time off, during the employee's working hours, for the purposes of taking part in:

12.2 Any activities of an appropriate trade union of which the employee is a member; and

12.3 Any activities, whether or not falling within the previous paragraph, in relation to which the employee is acting as a representative of such a union, excluding activities which themselves consist of industrial action whether or not in contemplation or furtherance of a trade dispute. In interpreting the above provisions the County Council will have regard to the ACAS Code of Practice "Time Off for Trade Union Duties and Activities".

13. Victimisation

13.1 Victimisation of an employee on grounds of trade union membership or activity is unlawful (Trade Union and Labour Relations (Consolidation) Act 1992 and Employment Relations Act 1999) and is not acceptable within this Authority. Any employee who believes that they have been victimised because of their trade union membership or activities may seek to challenge this through the appropriate County Council procedure (e.g., Harassment Complaints Procedure; Grievance Procedure).

14. Trade Union Facilities

14.1 The County Council recognises that trade union officials require access to certain facilities if they are to perform their duties efficiently and communicate effectively with members, other lay officials and full time officers. These are set out below:

14.2 No Charge

(Subject to availability - County Council work to take precedence. To be kept under review in cases of excessive use)

- Accommodation for meetings and interviews (except in the case of schools or other buildings where letting fees may apply after 6pm.)
- Office accommodation for certain Branch Officers
- Provision of notice boards - multi-union where possible - at each workplace
- Lists of new starters
- Use of telephone - reasonable access in private if possible
- Use of fax machine where this is available in the workplace
- Access to Internet / Intranet and e-mail facilities, where available in the workplace, subject to the County Council's Internet use Guidelines
- Access to workplace photocopying facilities
- Use of word processing/reprographic facilities
- Use of a dedicated Trade Union NEO Bulletin Board for relaying appropriate information (until such time as this technology is no longer in use in the organisation.)

The County Council reserves the right to impose a charge if, in practice and after consultation with the trade unions, it is felt appropriate.

14.3 Recharge

- Use of County Council's distribution facilities - recharge if any additional cost, except that one free distribution will be provided by the County Council for each new starter.
- Deduction of trade union subscriptions on behalf of members - subject to the individual employee's consent and to a percentage recharge to the individual trade unions as determined by the County Council.

15. Appeals

Any grievance relating to the interpretation of this Agreement shall be dealt with in accordance with the prescribed Grievance Procedure or Local Joint Resolutions Committee, as appropriate.

Trade Union Relations with Schools

1. Introduction

1.1 This agreement acknowledges the County Council's employment relations agreement which sets out a framework for maintaining good relationships with trade unions as well as bringing together arrangements for consultation/negotiation and the provisions for trade union time off and facilities.

1.2 In that acknowledgement, this document recognises that the employment relations agreement does not cover schools staff since most governing bodies

a) cannot negotiate local conditions of service but do exercise any discretionary powers within such agreements both local and national,

b) do not allocate time off for trade union duties as this responsibility remains with the LEA. However, once allocated the operational release of such staff is a matter for the governing body.

1.3 Given the complication of these arrangements, it was considered advisable to set out a basic framework to govern relationships between the trade unions who are party to the Employment Relations Agreement and the Education Department in advising governing bodies on matters affecting such relationships. This framework will seek to ensure that school managers and governors work together co-operatively towards a common goal of improving educational standards and promote a positive climate for good employment relations.

2. Aims and Expectations

2.1 The aim of this framework is to ensure that school managers and governors and the trade unions recognise the importance of maintaining good employment relations within the overarching need to maintain effective educational delivery and avoid unnecessary cost.

2.2 In particular, it is expected that:

a) Behaviour will be courteous and professional with mutual respect being shown for each partner's role. In visiting schools all parties will abide by the regulations and protocols applying in respect of entry, health and safety, etc.

b) Any discussions regarding individual casework or the discretionary use of governors' powers in local agreements will be entered into with a view to reaching agreement and all relevant information will be shared.

c) Instigation of and response to consultation will take place in good time and with reasonable notice of meetings. Those involved will be able to make recommendations to the governing body or take decisions within their level of delegated authority.

d) In circumstances where it is clearly agreed that there is a legitimate need to monitor confidentiality in relation to certain information, this will be respected and observed.

e) The principles of equality of treatment will apply at all times.

3. Time Off for Trade Union Activities

3.1 For the purpose of this framework, the description of a trade union official is as set out in the TULRCA 1992, i.e., "any person who is an officer of the union or of the branch or section of a union or who (not being such an officer) is a person elected or appointed in accordance with the rules of the union to be a representative of its members or some of them, including any person so elected or appointed who is an employee of the same employer as the members of one or more of the members whom they are to represent."

3.2 The Education Department maintains a fund to allow trade unions time off for specified duties. This fund is distributed by collective agreement with all of the recognised trade unions operating in the education service. The specified duties covered are:

a) To carry out the duties of an appointed or elected member who is the holder of a senior position within a trade union, e.g. regional/national secretary.

b) To attend meetings of the Education Joint Consultative and Negotiating Panel including any meetings of working parties of that body that may be called from time to time by the Department.

c) To support individual members through casework with the proviso that wherever possible such support will not affect the operational requirements of the service and the provisions of paragraphs 4.5 to 4.8 below shall apply.

d) In respect of attendance at annual conference subject to the number of accredited delegates being specifically approved on each occasion by the Director of Education in consultation with the appropriate governing body.

e) Where time off with pay is recommended or prescribed by a particular National Joint Council or other similar national body.

f) Recruitment of new members, maintaining membership and collection of contributions shall be subject to there being no undue disruption of work, i.e. restricted to immediate or close proximity of employees concerned.

The only exception to this will be where, by prior arrangement, an official formally covers more than one workplace, the area (or membership) is agreed and consideration is given to the needs of the service.

Where a school has a recognised trade union officer within its establishment the level of funding is notified to the headteacher annually.

3.3 In addition, a trade union official will be allowed reasonable time off with pay to undergo training in aspects of industrial

relations which are relevant to the carrying out of their duties, and approved by the Trade Union Congress or by the independent trade union of which they are an official.

3.4 The County Council recognises that accredited representatives are more likely to carry out their duties effectively if they possess skills and knowledge relevant to their duties. The County Council therefore allows accredited representatives reasonable time off during working hours to undergo training relevant to the carrying out of their trade union duties. Training should be in aspects of industrial relations relevant to the duties of the representative. There is no recommended syllabus since representatives' duties will vary according to the collective bargaining arrangements, the structure of the union and the role of the official. The training must also be approved by the TUC or by the trade union of which the employee is a representative.

3.5 Representatives attending training, relevant to the duties at the workplace, must be paid for the time off taken. Where part-time employees, who are accredited trade union representatives, attend a course of training and the time spent exceeds the normal working hours, the employees will receive payment for the entirety of the course.

3.6 Time off with pay is also allowed for trade union safety representatives to carry out their duties in respect of health and safety, namely

- Investigate potential hazards and dangerous occurrences at the workplace and to examine the causes of accidents
- Investigate complaints by an employee relating to an employee's health, safety or welfare at work
- Make representations to the employer on general matters affecting health, safety or welfare at work of the employees at the workplace
- Carry out inspections in accordance with regulations
- Represent the employees in consultation with Inspectors for the Health and Safety Executive (HSE)
- Receive information from HSE Inspectors
- Attend Joint Consultative and Negotiating Panels (JCNPs) in the capacity of Safety Representatives
- Attend the Central Health, Safety and Welfare Panel as a Safety Representative if chosen by their trade union

3.7 Time off with pay is also allowed for trade union learning representatives to carry out

- Analysing learning and development needs
- Providing information and advice about learning and development matters
- Arranging learning and development
- Promoting the value of learning and development
- Consulting management about carrying out the above activities
- Preparing to carry out the above activities
- Undergoing relevant, approved training

The Council has in place well established learning and development programmes for employees. Learning Representatives should liaise with management to ensure that their respective learning and development activities complement one another and that duplication is minimised.

3.8 Any requests for trade union time-off beyond the provisions of paragraphs 3.1 to 3.7 above will be a matter for governing bodies to determine on the understanding that where such requests are met they will usually be granted without pay.

4. Procedure for Obtaining Time-Off for Trade Union Activities

4.1 In allocating funds to allow time-off for trade union activities both the trade unions and the Education Department recognise fully the responsibilities of the headteacher and governing body in respect of the operational management of the school and the delivery of education to students. To ensure that proper time off for trade union duties and the maintenance of the service can both take place, the procedure for time off for trade union duties set out in this section will be adhered to.

4.2 Accredited trade union representatives, requesting time off to pursue duties, activities or training, should provide school management with as much notice as can be reasonably given and give details of:

- the purpose of such time off
- the intended location
- the timing and anticipated duration of time off required, including travel time.

4.3 In providing this detail due regard will be made to the need of trade union representatives to maintain confidentiality.

4.4 Representatives attending training courses, if so requested, should provide a copy of the syllabus or prospectus indicating the contents of the course.

4.5 When deciding whether requests for time off can be agreed, consideration will be given to the reasonableness of the request, i.e. whether there is adequate cover, relief cover is required, service provision will be unaffected and whether statutory requirements can continue to be met. Accordingly, when arranging meetings, management and the trade unions have a joint responsibility to agree a mutually convenient time, which minimises the effect of the absence from the workplace. For example, where workplace meetings are requested, consideration should be given to holding them prior to or at the end of the school day.

4.6 Each application for time off shall be considered on its merits, taking into account the agreed time off already taken or in prospect.

4.7 Requests for time off for trade union activities and/or training shall, where possible, be submitted by the trade union to

the headteacher no less than 14 days prior to the commencement of the activity or training in questions. The headteacher, following consideration of the needs of the service, shall inform the trade union whether the request can be acceded to no less than seven days prior to the commencement of the activity or training. It is recognised that meetings etc are sometimes called at short notice, in which case requests for time off and response to them must be made at the earliest opportunity. Retrospective approval may be sought only in exceptional circumstances where it is not possible to obtain prior approval. In such cases representatives should inform their manager of the time incurred whilst undertaking trade union duties and the reason for it as soon as possible after the time off has been taken.

4.8 Requests for time off and responses to them must be recorded in school within the normal absence monitoring arrangements.

5. Trade Union Members

5.1 The County Council recognises that to operate effectively and democratically trade unions need the active participation of members in certain activities, and will at all times have regard to Section 168 of the Trade Union and Labour Relations (Consolidation) Act 1992. This states that an employer shall permit an employer who is a member of an appropriate trade union to take time off, during the employee's working hours, for the purposes of taking part in:

- a)** Any activities of an appropriate trade union of which the employee is a member, and
- b)** Any activities, whether or not falling within the previous paragraph, in relation to which the employee is acting as a representative of such a union, excluding activities which themselves consist of industrial action whether or not in contemplation or furtherance of a trade dispute. In interpreting the above provisions the County Council will have regard to the ACAS Code of Practice "Time Off for Trade Union Duties and Activities".

6. Victimisation

6.1 Victimisation of an employee on grounds of trade union membership or activity is unlawful (Trade Union and Labour Relations (Consolidation) Act 1992 and Employment Relations Act 1999) and is not acceptable within this Authority. Any employee who believes that they have been victimised because of their trade union membership or activities may seek to challenge this through the school's grievance procedure.

7. Trade Union Facilities

7.1 The LEA has always recognised that trade union officials in pursuance of their duties which relate directly to Nottinghamshire County Council and in order to perform their duties efficiently and to communicate effectively with members, other lay officials and full-time officers, require access to certain facilities.

These are set out below:

No Charge

- a)** accommodation for meetings and interviews (subject to availability) - except that in the case of schools or other buildings where letting fees may apply after 6pm;
- b)** office accommodation for certain honorary officers (subject to availability);
- c)** provision of notice boards - multi-union where possible (subject to availability);
- d)** lists of new starters - by arrangement with the County Treasurer;
- e)** facilitating union ballot arrangements;
- f)** use of telephone - reasonable access in private if possible;*
- g)** access to photocopying facilities - school work to have precedence;*
- h)** use of typing/duplicating facilities.*

* Headteachers to keep under review and inform the Service Director (Corporate Services) in the event of any continued and excessive use, i.e. the right to impose a charge is reserved if it is felt appropriate after consultation with the trade unions.

Recharge

- a)** use of Authority's distribution facilities - recharge if any additional cost falling upon the Authority except that one free distribution will be provided by the Authority for each new starter;
- b)** deduction of trade union subscriptions on behalf of members - subject to the individual employee's consent and to a percentage recharge to the individual trade unions as determined by the County Council.



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