



Scheme of Time Off for Trade Union Duties and Activities 2018 - 22

	Date	Signed
Agreed by Trust Board:	June 2019	Chair of Board James Hargrave
Lead:	HR Committee	
Review date:	May 2023	

Scheme of Time Off for Trade Union Duties and Activities

Rationale:

Schools are required to grant time off during working hours to employees who are members of recognised trade unions, for the purposes of taking part in trade union **activities** and to employees who are officials of recognised trade unions, for the purposes of carrying out such **duties** as are concerned with industrial relations between the employer and his employees and/or carrying out the functions of a safety representative.

Aims:

The purpose of this document is to provide guidance about time off for staff who are trade union representatives.

Scope:

The term 'official' in this scheme refers to an employee of the Trust appointed or elected as a representative in accordance with his/her union's rules. It does not refer to employees of the trade union.

The Employment Protection (Consolidation) Act 1978 provides that reasonable time off with pay shall be granted for 'approved trade union duties'. The Safety Representatives and Safety Committees Regulations 1978 make a similar provision in respect of safety representatives. There is no requirement to provide 'time off' with pay for trade union activities and no additional cost for the provision of cover need fall on schools as a result of such activities. All time off requested must School is able to cover the absence without detriment to its efficient operation.

Trade union officials who may qualify for time off with pay must be accredited officials (see Appendix A) of an independent trade union recognised by the Governing Body and carrying out duties appropriate to the office in which they are recognised.

An employee's allowances of time off for all reasons, be they trade union duties and activities or public duties (as set out in the Trust's Time Off for Public Duties Policy) is subject to an overall limit, having regard to operational requirements, the maintenance of the service and to Section 29(4) of the Employment Protection (Consolidation) Act 1978. A governing body which feels that any individual employee is exceeding reasonable limits is strongly advised to consult the Trust Board before initiating any action.

Time Off with Pay for Trade Union Duties at School Level:

This scheme distinguishes between those trade union representatives appointed to carry out duties within our own Trust schools and those whose duties involve them extensively beyond the Trust schools (See Appendix A).

Representatives acting for employees within our own Trust schools must be allowed reasonable time off with pay to carry out those duties which qualify.

When a trade union official is appointed and recognised in respect of our own Trust schools, it is expected that his/her school related trade union duties will be carried out at times which are convenient to the relevant school(s).

The number of representatives acting on behalf of employees at our own Trust schools must be reasonable in relation to the trade union's membership at the Trust. In matters of common interest e.g. health and safety inspections it is expected that the representatives of the various trade unions concerned will co-ordinate their activities to avoid unnecessary duplication of effort.

If cover is necessary to allow representatives to carry out their duties it must be arranged with the relevant school(s).

Time Off with Pay for Trade Union Duties Beyond School Level and for Trade Union Training:

If a Trust employee wishes to take up a position which will involve them in matters which extend beyond the school at which they are employed, the funding implications of this must be discussed in advance with the Trust CEO.

Roles and activities which may be considered for funding are listed in Appendix B. Absence in these cases will include time when the official concerned may be on school premises but temporarily and necessarily occupied with industrial relations matters which also affect other Trust schools.

By 28th February of each year the appropriate official of each recognised trade union will inform the CEO of the total membership of his/her trade union in the Trust.

The practical arrangements for the timing of release must be agreed between the CEO/Head Teacher of the relevant school and the individual concerned.

Time Off Without Pay for Trade Union Activities:

Members of recognised trade unions have a right to reasonable time off without pay to take part in trade union activities. Such activities could include taking part in meetings of official policy making bodies of the union, or representing the union or union movement on external bodies. Union members should also be permitted to take reasonable time off to take part in meetings of members which for urgent reasons may be held in normal working time. The right to time off does not extend to any activity which consists of industrial action or which is in contemplation or furtherance of a trade dispute including any dispute with the Trust.

The activities covered by this section must be arranged so as to cause the minimum disruption to the school's normal operation and with the knowledge and agreement of the Head Teacher/CEO.

School Records of Time Off:

The Trust's HR Team/caseworker must maintain a current record for the purposes of control and audit of all time off, whether the time off is paid or unpaid. The ACAS Code of Practice states that trade union officials should indicate the nature of the business for which time off is required, the location and the expected period of absence.

Complaints:

Any complaints about refusal to grant reasonable time off for trade union duties or activities should be made following the procedures outlined in the Trust Grievance policy.

Period of Review:

This policy shall be reviewed every four years or sooner should there be a change in legislation.

Appendix A

Recognised Representatives of Trade Unions/Professional Associations

1. Individual School Level

School Representatives/ Stewards Teacher Associations/ Unison

Safety Representatives All Unions

2. County/ District Level

NUT Divisional, Assistant Divisional and Association Secretaries

NASUWT Federation, Assistant Federation and Local Association Secretaries

ATL Branch and Assistant Branch Secretaries

Voice County Secretary

ASCL County Secretary

NAHT County Secretary

UNISON Branch Secretary, Service Conditions Officers and Area Convenor

Appendix B

Roles and Activities Which May be Considered for Funding:

- Certain recognised trade union representatives regularly undertaking duties extending beyond the school in which they are employed.
- Recognised trade union officials undergoing training to enable them to carry out those duties which involve industrial relations between employees and the Trust or acting as safety representatives.
- The Trust will also consider making available time off with pay to trade union officials who are elected to serve as members of their national executive body or as national or regional officers.

Document History

Version	Date	Comments
Issue 1	May 2019	Initial draft.