



SOUTH AYRSHIRE COUNCIL

JOINT NEGOTIATING COMMITTEE

FOR TEACHERS

Time Off for Trade Union Duties

(JNCT1.14)

Teachers may request leave of absence for a number of purposes as a result of their membership of trade unions/professional associations.

Minimum entitlements in relation to time off work in connection with the business of trade unions are set out in the ACAS Code of Practice 3 (as revised), and in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992. The legislation makes a distinction between trade union duties for which time off is given with pay, and trade union activities, for which time off is given without pay. Trade union duties include such matters as attendance at negotiating meetings and representing members at grievance and disciplinary hearings. Trade union activities may involve a wide range of business which does not directly concern the employer. These are further defined in this paper but any difficulties in distinguishing the difference between Trade Union duties and activities will be resolved through consultation between the unions and the relevant Head of

The Council's policy is based on the statutory requirements but also takes account of the corporate policy on time-off for trade union duties and the particular requirements of the teachers' trade unions. In deciding how much leave of absence may be given, and on what basis, the following general principles will apply:

1. Release of teachers in connection with the business of trade unions will be subject to the exigencies of the service and will require the specific permission of the Director of Educational Services.
2. Subject to section 1 above, teachers will be granted leave of absence with pay;
 - to attend meetings of the JNCT, JCC (Teachers) and the single tier JCC, including any pre-meetings of the teachers' side or staff side
 - to attend annual general meetings of trade unions as delegates
 - representing members in disciplinary or grievance hearings, and Employment Tribunals
 - meetings with management outwith JNCT or JCC relating to collective bargaining or industrial relations matters affecting members
 - consequential meetings with members to obtain or relay information for, or on, collective bargaining or industrial relations meetings or matters
 - meetings with full time officers or lay officials concerning industrial relations between South Ayrshire Council and its employees, who are the officials' members
 - to make initial contacts with new employees to explain the role of trade unions in the workplace and the industrial relations structure
 - attendance at meetings of the main national executive committees of the trade union/professional association and any of its sub-committees
 - attendance at the SNCT or any of its sub-committees
 - to attend training courses organised by the recognised trade union relevant to the carrying out of their trade union duties

- to undertake duties and responsibilities as health and safety representatives in accordance with Health and Safety legislation
3. Teachers will be granted leave of absence, which will normally be without pay, for certain other approved trade union activities e.g.
- Other specifically convened conferences or meetings of the policy-making body of the union which do not directly concern South Ayrshire Council
 - Any other meetings of the union convened during school hours but not dealing predominantly with local authority matters.
4. These general guidelines will be applied in specific circumstances as noted in the following paragraphs:
- a) Where a member of the teaching staff accepts, with the agreement of the Director of Educational Services, a convenorship of a national committee of the union/professional association or of the SNCT or has been elected to high office in one of the major trade unions or professional associations he/she will be granted additional leave to allow the wider duties of the post held to be undertaken effectively. The actual amount of additional leave will be determined in each case by the Director of Educational Services. Such exceptional circumstances will be taken into consideration in the staffing arrangements for the school involved.
- b) It is recognised that many of the duties outlined in section 2 above will be carried out by the local association secretary (or equivalent) in each of the trade unions/professional associations. It is also recognised that significant other duties will attach to that post. In order that the wider duties associated with the post are undertaken effectively the following additional leave will be granted on a basis of membership:
- 0 – 50 members – no additional time off (BUT see Section 2 above)
- 51 – 250 members – 0.2 FTE
- 251 – 500 members – 0.3 FTE
- 501 – 750 members – 0.4 FTE
- 751 – 1000 members – 0.5 FTE
- 1001+ members – 0.6 FTE
- c) It is recognised that the Joint Secretary (Teachers' Side) of the JNCT/JCC will have additional duties relating to the JNCT/JCC and its sub-committees and working groups. In order that these duties can be carried out effectively an additional 0.2 FTE will be granted to the holder of that post.
- d) In all other cases, a limit will be set on the number of days of leave granted in any school year. In normal circumstances the limit will be the equivalent of 0.6 FTE (approx. 136 days) for the members of the JNCT/JCC. The maximum amount of leave will only be granted where the full 136 days is actually required.

- Where **a teacher** is appointed by a trade union to represent it on an outside body such as LTS or SQA or committees of these bodies and other bodies of a professional nature, time for attendance shall be included within the 136 days.
 - Where teachers in their own right are separately elected to such bodies, time for attendance shall not be included within the 136 days limit.
 - It will be at the discretion of the teachers' side JCC/JNCT members as to how time is allocated within the 136 days.
 - The 136 days will include time for all approved duties and activities except for any additional time agreed for local association secretaries etc.
- e) At the start of each session, teachers involved must set aside the time which they estimate will be required for trade union duties and must provide this information to the Senior Education Manager on the form attached in Appendix A. This will include all predictable national and local commitments. Thereafter the remaining time may be utilised for additional trade union duties e.g. working groups etc.
5. (a) Trade Union representatives in educational establishments will be granted time off with pay as detailed below:

A school representative is a member of a teacher trade union elected by members of that union within a school's staff as a lay official to carry out trade union duties such as the following :

- (i) formal negotiations at school level
- (ii) informal discussion with school management on Trade Union related matters
- (iii) informing union members in the school about consultation or negotiations with management at national and local level
- (iv) meetings with other lay officials or full-time officers to discuss business of an industrial relations nature
- (v) interviews with and on behalf of union members at school level e.g. grievance and discipline
- (vi) explanations to new employees or new union members about the role of the union at school level
- (vii) arranging for the balloting of school union members including the dissemination of related information to members prior to balloting
- (viii) a range of health and safety matters.

To assist in essential preparation for and final discharge of these duties the following standing weekly allocation of time-off within the working week should be made:

NO. OF MEMBERS REPRESENTED	AMOUNT OF TIME OFF
8-25	30 Minutes
26-50	60 Minutes
51 and over	90 Minutes

NB Where there are fewer than 8 members it should be possible to recognise the role of the representative within their 'balance of time' as part of the school 35 hour week agreement.

The above allocation of time off shall be made in the context of the school agreement on the 35 hour working week. Time-off may be granted as an addition to non-contact time during the pupil day or as remission from the individual's agreed 'balance of time' or as a combination of both. The allocation of time-off should be agreed between the representative and the Head Teacher (or other appropriate line manager).

The granting of time-off during the pupil day will be subject to the exigencies of the service.

Meetings of union members within the school should normally be outside the pupil school day and arrangements for such meeting should be included in the school 35 hour week agreement.

(b) A school representative should be granted time-off with pay to attend approved trade union training courses. Such requests must be made in writing to the Director of Educational Services at least 10 days in advance of the course, using Appendix B attached.

(c) School representatives should have access to the following facilities in the performance of their duties :

- accommodation for meetings
- private access to telephones
- access to photocopying facilities
- notice boards
- access to internal communication systems e.g. e-mail and intranet.

Agreed on 1 November 2005

**ANNUAL SUBMISSION
TIME REQUIRED FOR TRADE UNION DUTIES**

The purpose of this form is to monitor the uptake of time off for trade union duties in order to report back to South Ayrshire Council’s Joint Negotiating Committee for Teachers. This will allow the JNCT to determine whether the number of days allocated in the agreement is both sufficient and appropriate.

Name of Teacher : _____

School : _____

Name of trade union represented : _____

No of staff represented:

NATIONAL COMMITMENTS

<u>Activity</u>	<u>No of days required</u>

LOCAL COMMITMENTS

<u>Activity</u>	<u>No of days required</u>

WORKING GROUPS (if known at this stage)

<u>Activity</u>	<u>No of days required</u>

This form to be completed and returned to Carmen Douglas, Senior Education Manager, no later than 1 September each year.

**REQUEST FORM
TIME OFF TO ATTEND APPROVED TRADE UNION TRAINING COURSES**

The purpose of this form is to

- a) Gain approval from the Senior Education Manager to attend the course
- b) monitor the attendance at courses in order to feedback to South Ayrshire Council's Joint Negotiating Committee for Teachers on a regular basis.

Name of Teacher : _____

School : _____

Job Title : _____

Name of trade union represented :

Please circle as appropriate if this request for leave is WITH pay or UNPAID

Name of course	
Date(s) of course	
Venue	
Please give brief details on expected outcome from attendance at this course.	

This form to be completed and returned to Carmen Douglas, Senior Education Manager, no later than 10 days prior to start of course