JNCT1.14

Time Off For Trade Union Duties





October 2021

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Version Control

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| Version Number | Effective Date | Details of Revision | Responsible Person | Review Date |
| 1 | October 2021 | Section 4d updated | Scott Mulholland | October 2024 |
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1. Introduction

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 section 199 of 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 Depute Chief Executive & Director.

The Council’s policy on Leave and Pay Arrangements for Trades Union Representatives, defines paid time-off to undertake specific trade union duties and unpaid time off to undertake specified trade union activities. This JNCT agreement is written with reference to the Council policy, however there are particular requirements of the teachers’ trade unions detailed below.

This agreement relates to all Trade Unions included in JNCT 1.1 Local Recognition and Procedure Agreement i.e The Educational Institute of Scotland, The Scottish Secondary Teachers’ Association, The National Association of Schoolmasters/Union of Women Teachers, VOICE The Union for Educational Professionals, The School Leaders Scotland, and the Association of Head Teachers and Deputes in Scotland.

2. General Principles

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 Depute Chief Executive & Director.
2. Subject to section 1 above, teachers will be granted leave of absence with pay for the following trade union duties;
   * 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 out-with 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:
5. Where a member of the teaching staff accepts, with the agreement of the Depute Chief Executive & Director, 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 Depute Chief Executive & Director. Such exceptional circumstances will be taken into consideration in the staffing arrangements for the school involved.
6. 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 additional time-off will be granted from the funding made available by the local authority.
7. Trade Unions are required to provide evidence regarding the number of members currently working in South Ayrshire schools. This will be provided to the Quality Improvement Manager/Joint Secretary in May each year. Figures will be provided as a total number of members currently working in South Ayrshire schools on trade union headed paper.
8. A maximum of 1.0fte will be made available to trade unions by the local authority to provide reasonable time off to undertake trade union duties. In the first instance, allocation of this time will be granted based on the trade union membership numbers. The information below should be used as a guide to support the allocation of time-off within the confirmed budget of 1fte.

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

1. Time-off allocated for trade union duties will be confirmed in May prior to the beginning of the next school session based on the membership figures provided by trade unions/professional associations at that time.
2. Changes to allocations will not occur during a school session.
3. If membership numbers increase or a trade union/professional association requests time-off this must be accommodated in line with the 1.0fte budget allocated. Should the membership bandings identified in section 4 part (d) result in time required exceeding 1.0fte the trade union side must agree the fair distribution of time and update the Joint Secretaries no later than 10th June each year. If agreement cannot be reached between trade unions on the distribution of time within the constraints of the budget membership numbers will be used to allocate reasonable time off. Time will be allocated by the Director on a pro-rata basis according to each trade union or professional association’s share of the total trade union membership in South Ayrshire.
4. 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.
5. With the exception of the Joint Secretary, a maximum of 0.6fte time off will be granted to members of the JNCT/JNCT.

* 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 0.6 FTE limit.
* Where teachers in their own right, are separately elected to such bodies, time for attendance shall not be included within the 0.6 FTE limit.
* It will be at the discretion of the teachers’ side JCC/JNCT members as to how time is allocated within the 0.6 FTE.
* The 0.6 FTE limit will include time for all approved duties and activities except for any additional time agreed for local association secretaries etc.

1. At the start of each session, teachers involved must set aside the time (which is in excess of the allocation shown in section 4b) which they estimate will be required for trade union duties and must complete the form attached in Appendix A and send this to [Education.Staffing@south-ayrshire.gov.uk](mailto:Education.Staffing@south-ayrshire.gov.uk).

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.

1. (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:

* + - 1. formal negotiations at school level
      2. informal discussion with school management on Trade Union related matters
      3. informing union members in the school about consultation or negotiations with management at national and local level
      4. meetings with other lay officials or full-time officers to discuss business of an industrial relations nature
      5. interviews with and on behalf of union members at school level e.g. grievance and discipline
      6. explanations to new employees or new union members about the role of the union at school level
      7. arranging for the balloting of school union members including the dissemination of related information to members prior to balloting
      8. 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 Depute Chief Executive & Director 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.

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**APPENDIX A**

**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

|  |  |
| --- | --- |
| Activity | No of days required |
|  |  |
|  |  |

LOCAL COMMITMENTS

|  |  |
| --- | --- |
| Activity | No of days required |
|  |  |
|  |  |

WORKING GROUPS (if known at this stage)

|  |  |
| --- | --- |
| Activity | No of days required |
|  |  |
|  |  |

This form to be completed and returned to the [Education.Staffing@south-ayrshire.gov.uk](mailto:Education.Staffing@south-ayrshire.gov.uk) mailbox, no later than 1 September each year.**JNCT 1.14 APPENDIX B**

**REQUEST FORM**

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

The purpose of this form is to

Gain approval from the Service Lead to attend the course

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 the [Education.staffing@south-ayrshire.gov.uk](mailto:Education.staffing@south-ayrshire.gov.uk) mailbox, no later than 10 days prior to start of course.