



# BATH & WELLS Multi Academy Trust

'That they may have life, life in all its fullness' John 10:10

## **Bath & Wells Multi Academy Trust** Framework for Consultation and Negotiation with Professional Associations and Trade Unions

***The content of this framework belongs to Bath & Wells Multi Academy Trust.***

### Rationale

This framework represents the on-going shared commitment of the Bath & Wells Multi Academy Trust (hereafter referred to as the MAT) and Trades Unions to work in partnership together, to the benefit of our students and staff. In particular, the partnership recognises the shared responsibility to maintain an effective workforce through sensitive and supportive management and a commitment to continuous professional development.

The MAT is committed to high levels of professionalism. We recognise and value the contribution made by the trade unions in supporting staff and developing best practice. The MAT seeks to maintain or better National Pay and Conditions for staff.

This document, which is based on the TUC model, provides a framework for close and effective future partnership working.

### **Introduction**

In accordance with the TUPE Regulations, trade union recognition rights for recognised trade unions are automatically transferred over when a maintained school becomes an academy. This move, from LA control / Foundation Status to Academy Status, means that there is a need to clarify the specific working arrangements between the Unions/Professional Associations and academies, particularly in respect of consultation and negotiation with these organisations.

### **Parties, Coverage and Definitions**

1. The following trade unions / professional associations are covered by this framework.

The unions (ATL, ASCL, NAHT, NASUWT, NUT, GMB, UNISON<sup>1</sup>)

Representatives of other trade unions may be allowed to represent their members at formal hearings but will not be recognised for any other purpose.

2. This framework applies in respect of all employees.
3. Throughout this framework, the following definitions apply:

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<sup>1</sup> Other recognised professional associations and unions as covered by the Teachers National Agreement and the National Joint Council for Local Government, or their successor bodies, to be added upon their request

- ‘The Academy’ means the MAT and the local governing body responsible for the running of the Academy and other persons or bodies having responsibility for the management of the Academy.
- ‘The trade unions’ and ‘professional associations’ means the recognised trade union / professional associations as listed above.

### **Principles and Objectives**

4. The independent trade unions / professional associations in this framework are recognised for the purposes of collective bargaining, consultation and individual staff representation on behalf of the workforce.
5. This framework is intended to promote and assist in the establishment of:
  - Pay and conditions of employment.
  - Good practice with regards to matters of employment and health and safety.
  - Effective communication.
  - Participation and involvement of staff.
  - Effective and prompt resolution of issues and disputes.
  - Equal opportunities in employment.
6. The trade unions / professional associations recognise that it is the Academy’s responsibility to plan, organise and manage the delivery of education to the students at the Academy.
7. In turn, the Academy recognises the trade unions’ / professional associations’ right to represent and protect the interests of their members employed in the Academy both individually and collectively.
8. The Academy believes that representative trade unions / professional associations help ensure good employee relations. The Academy will inform new appointees of their right to join a trade union / professional association.
9. The Academy and trade unions / professional associations declare their commitment to maintaining good industrial relations and agree to make every effort to resolve any difficulties which may arise and to ensure that this framework is effective.

### **Trade Union / Professional Association Representatives**

10. For the purposes of this framework, the term ‘trade union / professional association representatives’ includes workplace representatives, health and safety representatives and learning representatives.
11. Trade union / professional association representatives will be appointed in accordance with the rules of the individual trade unions / professional associations concerned. The trade unions / professional associations will inform the Human Resources Department of the MAT in writing of the names of the appointment, election and resignation of trade union officers, stewards, safety representatives and learning representatives. Each union / association is responsible for ensuring that an up-to-date list of all representatives is maintained.
12. The numbers of trade union / professional association representatives appointed shall be a matter for each union / association but the trade unions / professional associations agree that the numbers shall be reasonable in relation to the number of members represented. The Academy will not decline to recognise appointed trade union / professional association representatives.
13. Each trade union / professional association will submit their total membership numbers within the MAT at the beginning of each academic year. Failure to provide membership numbers may result in the delay of payments from the MAT to the trade union / professional association where payments would be due under this framework.

14. Trade union / professional association members shall be entitled to be represented by employed officials or local representatives of the trade union / professional association, where the trade union / professional association considers this to be necessary in the circumstances.
15. The Academy undertakes that no trade union / professional association representatives will suffer any disadvantage as a result of undertaking this role on behalf of trade union / professional association members.

### **Facilities for Trade Union / Professional Association Representative and Members**

16. The Academy agrees to provide appropriate facilities to trade union / professional association representatives and members in order to enable them to discharge their union / association duties and undertake trade union / professional activity and to facilitate the objectives of effective communication and consultation with employees and their representatives set out in this framework.
17. Trade union / professional association representatives will arrange their union duties so as to cause minimum interference with the running of the Academy and the work of colleagues.
18. Trade union / professional association representatives will provide the maximum notice possible to their headteacher/principal or governing body when time off is required.
19. Stationery, incidental material and resources will be funded by the trade union. Travelling costs and expenses for union training and/or conferences will be met by the relevant trade union.

### ***Time off with pay for trade union / professional association representatives***

20. The Academy will permit Academy based trade union / professional association representatives reasonable time off with pay during working hours (including release from timetabled teacher and learning support in the classroom) for the purpose of carrying out trade union / professional association duties in relation to Academy based issues.
21. The Academy will also permit trade union / professional association representatives reasonable time off with pay within their normal timetabled working hours (including release from timetabled teaching and learning support in the classroom) where necessary, in particular to prepare for and / or attend meetings or to consult with employed officials or local representatives of their union / association in relation to the Academy's issues. Trade union / professional association representatives will give as much notice as possible of the need for such time off.
22. Representatives are expected to record the time that they spend on trade union activities as the Academy can request to see relevant records. Records should include the date, time and length of union meetings and the name of the school at which the member is employed.
23. Salary will not be paid to representatives who undertake trade union duties outside of their normal working hours.
24. Paid time off will not be permitted for the furtherance of industrial action.

### **Time off with pay for trade union / professional association representatives to undertake Trade Union duties in Somerset**

25. The MAT will release Trade Union Representatives to undertake duties across Somerset, provided that the money for cover for their release is recouped to the Academy.

### ***Other facilities for trade union / professional association representatives***

26. The Academy will provide the following facilities to trade union / professional association representatives:
- Reasonable accommodation to hold meetings and to interview members in a confidential manner.
  - Confidential access to and reasonable use of telephone, fax and email facilities and computing and photocopying facilities.
  - Individual notice boards in all staff rooms,
  - All relevant documents, including those which provide information as to the structure and allocation of promoted posts applicable to the Academy, the articles of government, the funding agreement and documents that set out the pay, conditions of service and the regulations of the Academy which apply to the employees of the Academy.

***Trade union / professional association meetings***

27. The Academy will allow trade union / professional association members to hold meetings on the premises outside their normal working hours, and also at lunchtimes and immediately following the end of the student day through agreement sought from the Headteacher/Principal of the relevant Academy. The trade unions / professional associations will give reasonable notice of such meetings to the Academy. The Academy will not seek to place restrictions on the frequency or duration of such meetings or to the attendance of employed officials or local representatives of the trade union / professional association at such meetings providing this does not disrupt the smooth running of the Academy.

***Time off for trade union / professional association activities***

28. The Academy and the trade unions / professional associations are committed to ensuring that trade union / professional association representatives receive appropriate training to allow them to discharge their trade union / professional association duties. The trade unions / professional associations will provide appropriate training to their representatives. The Academy will permit trade union / professional association representatives reasonable time off with pay to attend relevant training courses run by their trade unions or by other appropriate bodies.
29. The Academy will allow trade union / professional association representatives reasonable time off during working hours for the purpose of taking part in trade union / professional association activity, including in particular representing the trade union / professional association at external meetings and conferences. Also reasonable time off for trade union / professional association representatives to attend annual conferences and other policy-making conferences of their trade unions / professional associations as a delegate will in all cases be time off without pay.

***Disciplinary action involving trade union / professional association representatives***

30. The Academy will not take disciplinary action against a trade union / professional association representative until an employed official of that trade union / professional association has been informed. This said, all parties will hereto recognise that suspension which, in the reasonable opinion of the Academy Trust, is deemed appropriate to protect the health and safety of other staff, students or any other person shall not amount to disciplinary action for the purposes of this clause.

**Consultative Committee**

31. The Academy will provide the trade unions / professional associations with appropriate information on financial and organisational issues in order to allow meaningful consultation and negotiation (including information required for collective bargaining and consultation in accordance with the ACAS Code of Practice). The trade unions / professional associations agree not to disclose information in cases requiring genuine commercial confidentiality.

32. The Academy and the trade unions / professional associations agree to set up a Consultative Committee consisting of a representative from each trade union / professional association to undertake the following functions:
- The provision of sharing of information by the trade unions / professional associations and the Academy.
  - Consultation on employment policy.
  - Negotiation and agreement on the issues listed below for consideration by the Consultative Committee.
33. The following matters shall, in particular but not exclusively, be considered:
- Negotiating machinery and procedures.
  - Terms and conditions of employment.
  - Staffing and pay structures.
  - Employment policies and procedures.
  - Matters of health and safety policy relating to employees.
  - Equal opportunities policy relating to employees.
34. The Academy and the trade unions / professional associations agree that it is in the interests of all parties that consultation and negotiations are carried out expeditiously and with the aim of reaching and agreed settlement.

#### **Commencement, Review and Variation**

35. This framework comes into effect on the following date:
- 1 April 2013
36. The provisions of this framework may be reviewed at the request of either side or varied at any time by mutual agreement of all parties following discussion as an agenda item at a quorate meeting.

**The Bath and Wells Diocesan Academies Trust operating as Bath & Wells Multi Academy Trust**

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