

TRADE UNION FACILITY TIME AGREEMENT NASUWT CHECKLIST

PURPOSE OF THE CHECKLIST

The NASUWT believes that a good trade union facility time agreement (TUFA) is essential to enable effective collaborative working between employers and employees, ensuring the best service delivery and educational outcomes for children, with all disputes resolved at the lowest possible level.

This NASUWT TUFA checklist is entirely consistent with the ACAS code of practice and relevant legislation.

Model TUFAs and further guidance can be found on the NASUWT website.

A CHECKLIST FOR A TRADE UNION FACILITY TIME AGREEMENT

An acceptable TUFA will include:

- a commitment by the employer to release trade union representatives with pay to undertake their trade union duties;
- a commitment by the employer to provide facility time funding for trade union representatives to undertake trade union duties;
- trade union representatives having an entitlement to reasonable paid time off to undertake trade union duties;
- an illustrative list of examples of trade union duties which will accrue paid time off, including:
 - negotiating pay, terms and conditions;
 - supporting NASUWT members with disciplinary or grievance procedures, including meetings to hear their cases;
 - going with NASUWT members to meetings with their line manager to discuss flexible working requests;
 - discussing issues that affect NASUWT members, e.g. redundancies.
- a commitment by the employer to pay into local authority pooled funds.
- a commitment by the employer to release trade union representatives to undertake trade union activities;
- an illustrative list of examples of trade union activities which will accrue time off, including:
 - attending workplace meetings to discuss and vote on the outcome of negotiations with the employer;
 - attending such workplace meetings at the employer's neighbouring locations with the employer's agreement;
 - meeting full-time trade union officials to discuss issues relevant to the workplace;

- voting in union elections;
- having access to services provided by a Union Learning Representative.
- a commitment by the employer to provide paid time off for Union Learning Representatives to attend union training:
- a commitment to provide paid time off for Union Learning Representatives during normal working hours to carry out relevant learning activities;
- a commitment to provide paid time off for union health and safety representatives during working hours to carry out health and safety functions;¹
- reference to and compliance with the revised ACAS Code of Practice 3, on time off for trade union duties and activities 2009, including:
 - the right of all trade union representatives to protection against dismissal and detriment;
 - the receipt of information from the employer and consultation by the employer under section 188 TULR(C)A, related to redundancy or under the Transfer of Undertakings (Protection of Employment) Regulations 2006;
 - negotiations with a view to entering into an agreement under regulation 9 of the Transfer of Undertakings (Protection of Employment) Regulations 2006.
- a commitment to provide trade union representatives with paid time off for the purposes of collective bargaining, including:
 - a commitment to establish negotiation and consultation machinery with procedures for collective bargaining, dispute resolution, joint consultation and negotiation, communication with members, employers and other trade union officers;
 - details that facility time will be calculated for the NASUWT based upon full-time equivalent and the post holder's substantive post and salary.

Monitoring and Review

The TUFA will confirm that:

- a process for reviewing the TUFA will normally be annually, but may be reviewed where trade union membership has increased;
- in extenuating circumstances, additional facility time can be negotiated where circumstances dictate (e.g. staff restructuring and redundancy consultations).

De-delegation Decisions – School Forums

The NASUWT supports de-delegation. Every local authority decides annually whether trade union facility time should be de-delegated into pooled funds ('pots'). Schools forums take these decisions early in the autumn term. The pooling enables local NASUWT officers to negotiate collectively or individually to represent members with employers. Delegation of facility time funds seriously undermines well-established and effective trade union representation, replacing them with fragmented school-by-school arrangements.

The NASUWT supports schools forums in de-delegation of TUFA funding and encourages all employers to continue paying into local authority facility time pots.

¹ As required under regulation 4(2) of The Safety Representatives and Safety Committees Regulation 1997.