



Children's



Endeavour



Trust

Trade Union Recognition Agreement

Including Arrangements for Facilities Time and a Joint Consultation and Negotiation Committee (JCNC)

The Children's Endeavour Trust comprises:

- Abbot's Hall Community Primary School
- Bosmere Community Primary School
- Broke Hall Community Primary School
- Chilton Community Primary School
- Combs Ford Primary School
- Freeman Community Primary School
- Springfield Junior School
- Whitehouse Community Primary School

Document Control

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1. Scope and definitions

This document formally recognises the intention of the Children's Endeavour Trust (hereafter referred to as 'the Trust') to regularly meet with union officials about employment matters.

The Trust recognises the following trade unions for individual and collective representation, consultation and negotiation purposes, in respect of all employees within its family of academy schools:

ASCL, NEU, NAHT, NASUWT, UNISON and Voice (hereafter referred to as 'the Trade Unions').

The Trust means the Children's Endeavour Trust Board and governing bodies or other parties responsible for the management or running of individual schools within the Trust.

Contact details for all parties are set out in Annex C.

2. Principles and Objectives

The Trade Unions recognise that it is the Trust's responsibility to plan, organise and manage the activities of the Trust, allowing its family of schools to maximise the quality of teaching and learning and develop successful learners, confident individuals and responsible citizens.

The Trust recognises the Trade Unions' right to represent and protect the interests of their members employed in the Trust both individually and collectively and believes that representative trade unions help ensure good employee relations. To this end, the Trust provides their employees with up to date information on local Union contacts during their induction. The Trust encourages staff to seek the advice of their trade union whenever they need specialist advice in relation to their employment.

This agreement is intended to promote and assist with:

- Good practice in employment matters including, for example, health and safety, well-being and equalities
- Effective communication
- Compliance with statutory requirements for consultation
- Participation and involvement of staff
- Joint agreement where the Trust seeks to negotiate specific terms and conditions of employment, including through collective agreements
- Arrangements for discussion of professional issues concerning teaching and learning (eg, curriculum and behaviour policy), as far as they relate to working/employment conditions
- Effective and prompt resolution of issues and disputes.

In some circumstances, 'local' discussions (within the individual schools comprising the Trust) may be more appropriate, or appropriate in addition to those within the Joint Consultation and Negotiation Committee (JCNC), for example, where local provisions arising from TUPE can be more effectively managed at a local level.

The Trust and the Trade Unions 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 agreement is effective. Discussion will be with a view to reaching agreement wherever this is possible.

3. Trade Union Representatives

For the purposes of this agreement, the term “trade union representatives” includes workplace representatives, health and safety representatives and learning representatives.

Trade union representatives will be appointed in accordance with the rules of the individual trade unions concerned. The Trade Unions will inform the Trust schools in writing of the names of their appointed representatives.

The numbers of trade union representatives appointed shall be a matter for each union but the Trade Unions agree that the numbers shall be reasonable in relation to the number of members represented. The Trust will not decline to recognise appointed trade union representatives where their numbers are reasonable in relation to the number of members represented.

Trade union members shall be entitled to be represented by employed officials or local representatives of the trade union, in accordance with the provisions of the any relevant school policy and statutory provisions for representation. The Trade Unions commit to providing their members with any reasonably requested representation as soon as possible and ideally within 5 working days of such a request.

The Trust undertakes that where it is within their control, no trade union representatives will suffer any disadvantage as a result of undertaking this role on behalf of trade union members.

4. Facilities for Trade Union Representatives and Members

The Trust agrees to provide on-site facilities to trade union representatives and members in order to enable them to discharge trade union duties and undertake trade union activity in support of the scope and objectives of this policy.

4.1 Time off with pay for trade union representatives

Subject to prior agreement with their Line Manager (or an appropriate member of the Senior Leadership Team), the Trust will allow employees who are trade union representatives reasonable time off with pay during their normal working hours (including release from timetabled teaching and learning support in the classroom):

- For the purpose of carrying out trade union duties
- Where necessary, to prepare for and/or attend meetings or to consult with employed officials of their union
- To attend relevant training courses run by their trade unions or by other appropriate bodies, as part of the Trust and Trade Unions’ commitment to ensuring trade union representatives receive appropriate training to allow them to discharge their trade union duties
- For the purpose of taking part in trade union activity, including representing the trade union at external meetings and conferences
- To attend annual conferences and other policy-making conferences of their trade union as a delegate.

Trade union representatives will give as much notice to their Line Manager (or an appropriate member of the Senior Leadership Team) as possible of the need for such time off.

The Trust will seek to ensure that all meetings convened by the Trust and involving trade union representatives take place within their normal working hours.

The Trust will participate in Suffolk County Council's funding arrangements for academy schools for teaching unions' Facilities Time. This provides facilities time funding for trade union representatives who undertake wider duties/a role outside their own school, by agreement with the teaching unions and their Headteacher.

4.2 Other facilities for trade union representatives

The Trust will also provide trade union representatives with access to:

- Reasonable accommodation to hold meetings and to interview members in a confidential manner
- Reasonable access to administrative facilities, including confidential and free reasonable use of telephone, fax, email, computing and photocopying facilities
- Secure storage space
- A notice board in all staff rooms.

4.3 Trade union meetings and time off for trade union activities

The Trust will allow trade union members to hold meetings on its premises outside employees' normal working hours, including at lunchtimes and immediately following the end of the school day. The Trade Unions will give reasonable notice of such meetings to the Headteacher of the relevant site. The Trust 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 at such meetings.

The Trust will allow trade union members to hold and attend such meetings on the premises within their normal working hours, where appropriate to the urgency or nature of the matters to be discussed. Trade union representatives will give as much notice as possible to the Trust/relevant Headteacher when seeking consent for such meetings. The Trust will not unreasonably withhold consent to such meetings.

Subject to prior agreement with their Line Manager (or an appropriate member of the Senior Leadership Team), the Trust will also allow trade union members and their representatives reasonable time off during normal working hours to take part in any trade union activity, for example, meeting full time representatives to discuss workplace issues, voting in union elections or accessing the services of learning representatives. In accordance with the ACAS Code of Practice (Time off for trade union duties and activities), this right does not extend to trade union activities which in themselves consist of industrial action, and time off with pay is at the discretion of the local Headteacher.

When requesting time off for trade union activities, employees and trade union representatives should provide information on:

- The purpose of the time off, while preserving personal confidential information relating to individuals
- The intended location for the trade union activity
- The timing and likely duration of the time off requested
- In the case of training, details of its content/objectives.

4.4 Disciplinary action involving trade union representatives

The Trust will not take disciplinary action against a trade union representative until an employed official of that trade union has been consulted.

5. National Pay and Conditions

The Academy Trust will review the changes to the School Teachers' Pay and Conditions Document (STPCD) when published, or amended, each year and decide to what extent and how those will be applied to teaching staff. There are currently no plans to move away from the STPCD or from the NJC conditions of service which apply to support staff.

Any review of the STPCD or NJC conditions of service will recognise TUPE protections and reflect the Academy Trust's aspiration to set pay arrangements which continue to recruit, reward and retain the very best staff, and may result in arrangements more favourable to those within the STPCD and NJC. Arrangements will be reflected in an annual Pay Policy, which will continue to be subject to normal consultation arrangements.

Where the Trust continues to apply all or any aspect of the nationally determined pay and conditions (e.g., as part of the STPCD, NJC conditions of service or national annual pay award negotiations), no further consideration of these aspects of pay and conditions will be expected within the scope of the Trust's JCNC (please see below).

Consultation and, in some instances, collective bargaining processes may be appropriate in other circumstances.

6. Joint Consultation and Negotiation Committee

The Trust will provide the Trade Unions with appropriate information on financial and organisational issues in order to allow meaningful consultation and negotiation, including information required in accordance with the ACAS Code of Practice (Disclosure of information to trade unions for collective bargaining purposes) and for statutory consultation processes. The Trade Unions agree to treat information with sensitivity in cases of genuine commercial confidentiality and to co-ordinate their requests for information wherever possible.

The Trust and Trade Unions agree to set up a Joint Consultation and Negotiation Committee, consisting of representatives of both sides, to undertake the following functions:

- The provision and sharing of information by the Trust and Trade Unions
- Consultation on employment policies/procedures, working and organisational arrangements and professional issues (as far as they relate to working/employment conditions)
- Negotiation (with the aim of reaching agreement) where the Trust seeks to negotiate specific terms and conditions of employment, including through collective agreements.

As indicated in Section 5 above, national agreements (e.g. NJC Conditions of Service) and statutory requirements (e.g., those relating to appraisal of teachers and STPCD) will not themselves form the subject of discussion under this agreement.

Before implementing any significant changes in employment policies/procedures and working and organisational arrangements, the Trust will undertake consultation and, where appropriate, negotiation with the Trade Unions through the JCNC.

The following matters, in particular but not exclusively, may be considered by the JCNC:

- Review of this agreement
- Terms and conditions of employment
- Staffing and pay structures
- Employment policies and procedures
- Matters of health and safety
- Operational issues affecting the deployment, security and prospects of staff

- Professional issues concerning teaching and learning (eg, curriculum and behaviour policy), as far as they relate to working/employment conditions
- Equality issues
- Staff well-being
- Staff training and development.

The JCNC will consider such issues as have been mutually agreed to be the subject of JCNC consultation and negotiations and any principles agreed in the JCNC will not ordinarily be considered further by individual Trust schools. Each of the Trust schools will be bound by the provisions, policies and procedures agreed by the JCNC but Trust schools may consider the exercise of local discretion on employment matters where this is provided for (for example, in support of TUPE protections). Any difficulties at local level over the interpretation of JCNC provisions or the scope of local decision making will, where necessary, be referred to the JCNC for consideration and resolution.

The constitution and procedural agreement governing the NCJC is attached to this agreement as an Annex A.

7. Failure to Agree

The Trust and the Trade Unions agree that it is in the interests of all parties that consultation and negotiations are carried out expeditiously and with the aim of reaching an agreed settlement.

If the Trust and the Trade Unions cannot reach an agreement, the matter may be referred to the Advisory Conciliation and Arbitration Service (ACAS) in order to seek resolution of the issue. Either party may determine that a matter is referred to ACAS for conciliation. Both parties may subsequently agree, where necessary, that a matter is referred to ACAS for arbitration. Depending on the circumstances, it may or may not be possible for the Trust to maintain the status quo ante during any such discussions.

8. Commencement, Review, Variation & Termination

This agreement is effective from 17th July 2019.

This agreement will be jointly reviewed annually. Additionally, the provisions of this agreement 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 of JCNC.

The agreement itself may be terminated at any time:

- By mutual agreement of all parties following discussion as an agenda item at a quorate meeting of the JCNC, or
- Through 6 months' notice of termination from the Trust or (acting jointly) the Trade Unions. Either side will be entitled to place the matter for discussion on the agenda of a meeting of the JCNC and, subsequently, to refer the matter to ACAS to seek resolution of the issue.

Any individual trade union may withdraw from this agreement through 6 months' notice of withdrawal.

ANNEX A

Constitution for the Joint Negotiation and Consultation Committee

Title

The Committee shall be known as the Joint Consultation and Negotiation Committee (JCNC)

Purpose of Committee

The Committees have been established in support of the Principles and Objectives listed in Section 2 of this agreement and in order to consult and negotiate on the matters identified in Section 6 of that Agreement. The remit of JCNC is as set out in this agreement and will be developed or amended in the light of experience.

Representation at Meetings

- The composition of the Employer Side is the prerogative of Trust but there will be an expectation that there will be regular attendance by the appropriate senior Trust officials
- Consultation and negotiation will take place through the JCNC. Sub groups may sometimes meet to discuss issues which only affect teachers or support and other professional school staff. These sub groups will only be formed by joint agreement and will report back to the full committee.
- The membership of each side shall be on the basis of up to two representatives per recognised trade union. Each side shall inform the other side promptly of any changes in representation
- Substitute representatives shall be permitted on both sides where necessary but each side shall seek to ensure that its nominated representatives attend all meetings
- Each side shall be entitled to be accompanied by an adviser with speaking rights.
- The office of Chair shall alternate between the Employer side and the Union side

Meetings

- Each side shall nominate a Secretary who shall be responsible for liaising with the other side on matters such as dates of meetings, agreement of agendas and draft minutes, issuing invitations and agenda to members, etc.
- Meetings shall be held once per term, with the date of the next meeting being determined at the end of each meeting. The agreed agenda should ideally be sent to members at least five working days before each meeting. The agenda shall follow the 'standing agenda' set out in Annex B, listing the items for discussion, but shall also allow other urgent business to be discussed. Any additional items should be specified before the meeting and agreed by both sides
- Special meetings shall be held where either the Trust or (acting jointly) the Trade Unions submits a request in writing to the other side. The date and agenda for special meetings should ideally be sent to members no later than five working days after the request is submitted and the meeting should take place ideally no later than fifteen working days after the request is submitted
- Each side shall be entitled to a pre-meeting prior to the meeting in order to discuss the business on the agenda

- The quorum for all meetings shall be one representative of Trust and three representatives of the Trade Unions
- Administrative support to the JCNC shall be provided by Trust. The draft minutes of all meetings shall be circulated to both Secretaries for agreement no later than ten working days after the meeting. The agreed minutes of all meetings shall be forwarded to all representatives of the JCNC and submitted to the Trust Board and governing bodies of the schools within the Trust.

ANNEX B

Standing Agenda for JCNC Meetings

1. Welcome and introductions (Chair)
2. Minutes of last meeting and matters arising (All)
3. Business/progress update from the Trust (Trust representative(s))
4. General update from the Trade Unions (Trade Unions' JCNC Secretary, with contributions as necessary from the Trade Unions)
5. *Insert further agenda items specific to each meeting*
6. Sharing of good practice and opportunities (All)
7. Health and Safety matters (All)
8. Equalities matters (All)
9. Any other business (all)
10. Date and time of next meeting (All)

ANNEX C

Contact Details for JCNC Members, as at September 2019

Representing	Name	Phone	Email
ASCL	Colin Turner		colin.turner@ascl.org.uk
NAHT	Paul Morton Noel Glover		paul.morton@NAHT.org.uk noel.glover@NAHT.org.uk
NASUWT	Sheri Breeze	07714763584	Sheri.breeze@hotmail.co.uk
NEU	Ian Roberts	07396 500066	Ian.Roberts@neu.org.uk
UNISON	Kelly Weston	01473 263100	Kelly.Weston@suffolkunison.co.uk
VOICE	Sarah McCraw	07977808994	sarahmccraw@voiceactivists.org.uk
Children's Endeavour Trust	Daniel Jones	07905 244208	ceo@childrensendeavourtrust.org.uk
Schools' Choice HR Team	Christina Abbott	03456 066046	Christina.Abbott@schoolschoice.org
The Trust's minute taker for the JCNC			