

TIME OFF FOR TRADE UNION DUTIES (TEACHERS)

1. It is recognised that trade union officials are entitled to reasonable paid time off, subject to the exigencies of the service to undertake duties concerned with Industrial Relations.

2. **SCHOOL REPRESENTATIVES**

- 2.1 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:-
 - a) informing union members in the school about negotiations or consultation with management;
 - b) meetings with other lay officials or full-time union officers to discuss business of an industrial relations nature;
 - c) interviews with and on behalf of union members at school level on grievance and disciplinary matters;
 - d) explanations to new employees or new union members of the role of the union at school level;
 - e) arranging for the balloting of school union members including the dissemination of related information to members prior to balloting;
 - f) representation of members at formal and informal meetings with school management.

3. **TIMETABLED TRADE UNION CONSULTATION ARRANGEMENTS AT ESTABLISHMENT LEVEL**

- 3.1 Before the start of each session, head teachers should agree dates of meetings with teacher trade union representatives for the six statutory consultation meetings in Secondary Schools, and four statutory meetings in Primary Schools.
- 3.2 Before the start of each session, head teachers should also agree dates of meetings for the six Employee Forum meetings with the teacher trade union representatives, representatives of APT&C and Manual staff trade unions and, with Health and Safety representatives, the back to back Health and Safety Committees.

4. TIMETABLED TIME OFF TO CARRY OUT TRADE UNION DUTIES AT ESTABLISHMENT LEVEL AND OTHER TIME OFF ON TRADE UNION DUTIES DURING THE SCHOOL DAY.

- 4.1 In addition to timetabled time off to participate in formal statutory meetings with school management, Trade Union representatives will receive a weekly allocation of timetabled time off during the school day to carry out the duties listed in (2) above based on the table below;

<u>Number of members represented</u>	<u>Amount of time-off</u>
8 - 20	40 mins
21- 40	60 mins
41- 60	80 mins
61 and over	100 mins

In Primary Schools, this time off should take place towards the end of the pupil day in meaningful blocks of time of no less than 40 minutes. Internal cover should be provided.

In Secondary Schools, timetabled time off should be in meaningful blocks of time of no less than 40 minutes. Where this may lead to time off in excess of the allocation as outlined above, the teacher should use the excess time for duties relating to his/her teaching post, including preparation and correction.

Trade Unions should inform the head teacher, officially, who the recognised Trade Union Representative is before the start of the session so that time off can be incorporated into his/her timetabled non class contact time.

- 4.3 The above allocation of time off within the school day for pupils is additional to that amount of non-class contact time per week to which the teacher is entitled in terms of his/her conditions of service.
- 4.4 The granting of time off in any given instance remains subject to the exigencies of the service but would not normally be refused. While it is a management decision, appeal might of course be made (see 10 below) to the Director of Community Services (or nominated Head of Educational Service). Failure to resolve the issue would not preclude the aggrieved teacher from presenting a complaint to an industrial tribunal under the appropriate legislation, including Section 63 Employment Rights Act 1996.
- 4.5 While the time allocated above is within the recognised school day, meetings of union members should normally be held outwith the school's class teaching time. Where matters or urgency arise which could not have been foreseen, a school representative may seek the necessary permission from the head teacher to have a meeting during the school day. In any event three meetings of union members lasting not more than one hour during the recognised school day will be allowed each session, one per term; the aggregate of these three timetabled meetings should however not exceed two hours over the session. The timing of these meetings should be arranged in advance with the agreement of the head teacher of the individual school and should take place during the 5 In-Service days.

- 4.6 The onus is on the teacher to make application for leave for other individual duties and activities which involve him/her being absent from school during the school day.

In the first instance this should be submitted to the head teacher, using Appendix 1, who will copy and forward the request to the Director of Community Services (or nominated Head of Educational Service). Reason Code 74 should be used for approved absence during the school day on other Trade Union duties or activities.

The granting of such additional time off remains subject to the exigencies of the service but would not normally be refused. While it is a management decision, appeal might of course be made (see 10 below) to the Director of Community Services (or nominated Head of Educational Service). Failure to resolve the issue would not preclude the aggrieved teacher from presenting a complaint to an industrial tribunal under the appropriate legislation, including Section 63 Employment Rights Act 1996.

5. TIMETABLED TIME OFF FOR TRADE UNION HEALTH AND SAFETY REPRESENTATIVES

- 5.1 It is recognised that recognised Trade Union Health and Safety representatives are entitled to reasonable timetabled time off, subject to the exigencies of the service, to enable them to perform their prescribed functions.
- 5.2 The prescribed functions of a safety representative will include the following, which should not be seen as exhaustive:-
- a) investigating potential hazards and dangerous occurrences and examining the causes of accidents in the workplace;
 - b) investigating complaints by the employees within their area of representation relating to health, safety and welfare at work;
 - c) carrying out safety inspections including Annual Health and Safety Audit;
 - d) attending safety committee meetings;
 - e) making representation to management on general matters affecting the health, safety and welfare at work of employees in the workplace;
 - f) attending appropriate health and safety training courses, and
 - g) keeping up to date with Health and Safety legislation, authority policy on Health and Safety, and liaising with authority Health and Safety Officers.
- 5.3 Recognised Trade Union Health and Safety Representatives are entitled to 40 minutes per week timetabled time off. This 40 minute allocation does not include dealing with Health and Safety matters which require immediate attention. Where this may lead to time off in excess of the allocation as outlined above, the teacher should use the excess time for duties relating to his/her teaching post, including preparation and correction. Health and Safety representatives should nevertheless, where possible, seek to carry out the duties outlined in 5.2 above within the timetabled allocation.

Trade Unions should inform the head teacher, officially, who the recognised Trade Union Health and Safety Representative is before the start of the session so that time off can be incorporated into his/her timetabled non-class contact time and arrangements made for internal cover, where necessary, in Primary Schools.

- 5.4 Where it is not possible to carry out the duties listed in 5.2 above, within the 40 minute allocation, internal cover should be provided for recognised Trade Union Health and Safety Representatives when their duties require them to be absent from class e.g. in emergency situations or for meetings with head teachers or authority Health and Safety Officers visiting the establishment.
- 5.5 Head teachers should arrange with Trade Union Health and Safety Representatives to have a Joint Trade Union Annual Health and Safety Audit. This audit should involve Health and Safety Representatives from all recognised Teacher, APT&C and Manual and Craft trade unions at establishment level. This should normally take place during the summer term. The results of this audit should be included as an important item on the agendas of establishment level Health and Safety Committees.
- 5.6 Externally funded cover will be provided for attendance at authority-wide meetings, authorised training courses, or meetings/conferences where attendance relates to the functions of the Health and Safety Representative. Reason Code 74 should be used in this instance.
- 5.7 The onus is on the teacher to make application for leave for individual duties and activities, which involve absence during the school day, as defined in this section using Appendix 1. In the first instance this should be submitted to the head teacher, who will copy and forward the request to the Director of Community Services (or nominated Head of Educational Service).
- 5.8 The granting of time off in any given instance remains subject to the exigencies of the service but would not normally be refused. While it is a management decision, appeal might of course be made (see 10 below) to the Director of Community Services (or nominated Head of Educational Service). Failure to resolve the issue would not preclude the aggrieved teacher from presenting a complaint to an industrial tribunal under the appropriate legislation, including Section 63 Employment Rights Act 1996.

6. LOCAL ELECTED OFFICIALS

- 6.1 A local elected official is a member of a teacher trade union elected by a trade union local association covering East Dunbartonshire as a lay official of the association to carry out trade union duties such as the following -
 - a) informing union members within the local association about negotiations or consultation with management;
 - b) meeting with members in situations where industrial relations issues require consideration prior to, during or following consultations with representatives of the authority as employer;

- c) meetings with the members of the Education Service, support staff, or other authority representatives;
 - d) meetings with other lay officials or full time union officers to discuss business of an industrial relations nature, and
 - e) interviews with and on behalf of union members at authority level on grievance and disciplinary matters.
- 6.2 Timetabled time off, to carry out duties as indicated in 6.1 above, will be agreed between the relevant trade unions and the Director of Community Services (or nominated Head of Educational Service). Up to three office bearers of an association may be nominated by the association each session as qualifying for this time off for which cover will be centrally provided. The distribution of this time off among the nominated officials shall be agreed in conjunction with the Director of Community Services (or nominated Head of Educational Service).
- 6.3 This arrangement does not preclude the involvement of local elected officials on trade union duties beyond this aggregated amount of time in any given week provided that beyond the stated limit classes are covered internally by the school staffs concerned. In such circumstances applications for leave of absence should be made to the Director of Education and Leisure Services (or nominated Head of Educational Service) in advance of each occasion where time off is necessary. While cover for the teacher's absence will normally be made by colleagues in the school involved, it will be provided by the authority where the staffing situation in the school, as perceived by the head teacher at the time, makes this essential to provide continuity of education for the pupils involved. The provision of cover is contingent on the authority being able to secure the services of a suitably qualified teacher.
- 6.4 Existing arrangements should not be altered in favour of the above unless a change is requested by the local association concerned.
- 6.5 The granting of time off in any given instance remains subject to the exigencies of the service but would not normally be refused. While it is a management decision, appeal might of course be made (see 10 below) to the Director of Community Services (or nominated Head of Educational Service). Failure to resolve the issue would not preclude the aggrieved teacher from presenting a complaint to an industrial tribunal under the appropriate legislation, including Section 63 Employment Rights Act 1996.

7. OFFICE-BEARERS, JCC REPRESENTATIVES AND MEMBERS ON NATIONAL BODIES

- 7.1 This category covers any member of a teacher trade union elected as:-
- a) A lay office bearer of an authority wide body of the union, or Joint Trade Union Committee, or
 - b) A member of the 1st Tier JCC or 2nd Tier JCC (Teachers), or

- c) A member of the national body of the union and/or a union representative on the SJNC(TSSE).

7.2 To carry out trade union duties such as the following:-

- a) Informing union members within the local association about negotiations or consultation with management;
- b) Meeting with members in situations where industrial relations issues require consideration prior to, during or following consultations with representatives of the authority as employer;
- c) formal meetings with the members of the Education Department Directorate, support staff, or other authority representatives, such as 1st Tier JCC or 2nd Tier JCC (Teachers), and informal meetings, as set out in JCC Constitutions paragraph 12;
- d) meetings with other lay officials or full time union officers to discuss business of an industrial relations nature;
- e) attending meetings of the union national body or its sub-committees when business of an industrial relations or educational nature is to be transacted.
- f) attending meetings of the SJNC(TSSE) including meetings of the teachers' side only.

7.3 To allow release for those aspects of these trade union duties which require to be carried out during the school day for pupils, time off with centrally funded cover shall be arranged by the Director of Community Services (or nominated Head of Educational Service) as required (subject to 7.4 below) for trade union members in the categories 7.1(a)-(c) above provided that except in emergency situations reasonable notice with the reason for absence is given to the head teacher (or in the case of the member of staff being a head teacher to the Director of Community Services (or nominated Head of Educational Service)) and on the understanding that, only in exceptional circumstances, where the services of a suitably qualified teacher cannot be obtained the staff of the school concerned shall cover internally the classes of the union member being released.

7.4 The total time off for all trade union duties and activities for teachers in this category remains subject to a normal maximum of 20 days FTE in any session save for teachers elected to high office in one of the major trade unions who by negotiation with the Director of Community Services (or nominated Head of Educational Service) may be granted additional leave to allow the wider duties of the post held to be undertaken effectively.

7.5 Where the teacher is appointed by the trade union to represent it on an outside body such as the SCCC, SEB, or committees of these or other bodies of a professional nature, time for attendance shall be included within the twenty day FTE limit. In such cases, reference should be made to Procedure Manual No 2/11.

- 7.6 Additionally, up to four representatives may be nominated annually by the teachers' side of the JCC to qualify for time off outwith the normal maximum of 20 days FTE in order to prepare for meetings of the formal and informal JCCs and related sub-groups; this time off with cover shall not exceed an average of 10 days spread over the session per representative, however, there shall be an element of flexibility in the allocation of this time among the representatives to be agreed in conjunction with the Director of Education and Leisure Services (or nominated Head of Educational Service).
- 7.7 At the start of each session, teachers involved should indicate the time which they are likely to require for trade union duties. This will include attendance at the AGM of the Association, executive meetings, STUC Conferences, JCC, national and local negotiating meetings etc. Thereafter, the remaining time may be requested for other activities in which the teacher is involved as a result of his/her membership. It is recognised that it is difficult to estimate in advance the number of days required for trade union duties. Nevertheless, past experience should provide a relatively accurate guide.
- 7.8 The onus is on the teacher to make application for leave for individual duties and activities as defined in this section using Appendix 2. In the first instance this should be submitted to the head teacher, who will copy and forward the request to the Director of Education (or nominated Head of Educational Service).
- 7.9 The head teacher must make a return on the last day of each month indicating the date and time all teaching members of staff (including the head teacher) have been out of school for any purpose and the specific reason for this on each occasion. Appendix 3 will be used for this purpose.
- 7.10 Where a member of the teaching staff 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 to be granted will be determined by the Director of Community Services (or nominated Head of Educational Service).
- Where the teacher also accepts a convenership or vice convenership of a national body, he/she will be treated more favourably than the general provisions made above with the agreement of the Director of Community Services (or nominated Head of Educational Service).
- 7.11 Such exceptional circumstances should be taken into consideration in the staffing arrangements made for the school involved. An additional staffing allocation will be centrally allocated. Special provisions will be made when the teacher concerned holds a promoted post. These will be dealt with on an individual basis to ensure that the duties associated with the promoted post continue to be carried out.

- 7.12 The granting of time off in any given instance remains subject to the exigencies of the service but would not normally be refused. Where difficulties arise in handling individual applications, reference should be made to the Director of Community Services (or nominated Head of Educational Service). In certain cases the Director of Community Services (or nominated Head of Educational Service) will contact the general secretary of the trade union/professional association/or his/her nominated representative to clarify the situation before a final decision is reached. While it is a management decision, appeal might of course be made (see 10 below) to the Director of Community Services (or nominated Head of Educational Service).

Failure to resolve the issue would not preclude the aggrieved teacher from presenting a complaint to an industrial tribunal under the appropriate legislation, including Section 63 Employment Rights Act 1996.

8. FACILITIES FOR TRADE UNION, HEALTH AND SAFETY REPRESENTATIVES AND LAY OFFICIALS

The Authority shall provide where the resources exist in each school or other workplace which is the Trade Union, Health and Safety Representatives and Lay Official's base reasonable facilities for telephoning in privacy having due regard to the Trade Union and Health and Safety Representatives and Lay Official's teaching commitments, for preparation of materials, space for storage provided by the union and for duplication on the understanding that where there are competing demands on facilities and office staff time relating to the provision of education in the school, the head teacher shall determine priorities; the authority reserves the right to recover any costs incurred from the trade union concerned.

9. TRAINING IN TRADE UNION MATTERS

Trade Union, Health and Safety Representatives and Lay Officials shall be entitled, subject to the exigencies of the service, to time off with centrally provided cover for appropriate training in trade union matters. Appendix 1 should be used in this instance and the procedures indicated in 4.6, 5.6 and 5.7 above followed, where appropriate.

10. APPEALS PROCEDURE

Disputes relating to the operation of this agreement should be resolved by means of the normal procedure for settling grievances (Grievance Procedure (Teachers)). Exceptionally, should a dispute arise in relation to the granting of time off within the scope of this agreement in circumstances where delay would render void the initial request for time-off then the matter should be raised direct by the appropriate local association secretary with the Director of Community Services (or nominated Head of Educational Service) who will conduct a review of the position as a matter of urgency; if the teacher continues to remain dissatisfied then a grievance may be raised under the grievance procedure with the initial formal hearing being conducted by the Director of Community Services (or nominated Head of Educational Service). This procedure does not preclude a trade union member presenting a complaint to an industrial tribunal under the appropriate legislation, including Section 63 Employment Rights Act 1996.



PLEASE COPY AND FORWARD TO THE COMMUNITY SERVICES DEPARTMENT FOR APPROVAL

APPENDIX 1

Session **COMMUNITY SERVICES DEPARTMENT**

Request for Time Off for Trade Union Duties (Teachers)

Teacher's Name

Trade UnionElected Position:

Name of School/
Establishment

Requested Time Offam/pm ondaydate

Resume workam/pm ondaydate

Reason for Time Off

.....

.....

Teacher's Signaturedate

To be filled in by the head teacher

Please tick appropriate box

Establishment Cover

☐

Central Cover Requested

☐

Head teacher's signaturedate

COMMUNITY SERVICES DEPARTMENT USE ONLY

DATE REQUEST RECEIVED

(tick appropriate box)

APPROVED

☐

DISAPPROVED (right of appeal notified)

☐

ESTABLISHMENT COVER

☐

CENTRAL COVER APPROVED

☐

DATESIGNATURE



APPENDIX 2

Session

COMMUNITY SERVICES DEPARTMENT

Request for Time Off for Trade Union Duties (Teachers)

Time Off for Office Bearers, JCC Representatives and Members on National Bodies

Teacher's Name

Trade UnionElected Position(s)

.....

Name of School/Establishment

SECTION A

1) datedays FTE

Reason for Time Off

2) datedays FTE

Reason for Time Off

3) datedays FTE

Reason for Time Off

4) datedays FTE

Reason for Time Off

5) datedays FTE

Reason for Time Off

6) datedays FTE

Reason for Time Off

7) datedays FTE

Reason for Time Off

8) datedays FTE

Reason for Time Off

Appendix 2 Section A (cont)

Session

9) date days FTE

Reason for Time Off

10) date days FTE

Reason for Time Off

11) date days FTE

Reason for Time Off

12) date days FTE.....

Reason for Time Off

13) date days FTE

Reason for Time Off

14) date days FTE

Reason for Time Off

15) date days FTE

Reason for Time Off

16) date days FTE

Reason for Time Off

17) date days FTE

Reason for Time Off

18) date days FTE

Reason for Time Off

19) date days FTE

Reason for Time Off

Appendix 2 Section A (cont)

Session

20) date days FTE

Reason for Time Off.....

Total Section A days FTE

Please give details of overleaf other duties (Section B) not listed above and estimated days FTE required.

Section B - Other duties for which time off is requested

(i) FTE days

.....

.....

(ii) FTE days

.....

.....

(iii) FTE days

.....

.....

(iv) FTE days

.....

.....

(v) FTE days

.....

.....

Total Section B days FTE

Total Section A + Section B days FTE (maximum 20 days)

Teacher's Signature date

COMMUNITY SERVICES DEPARTMENT USE ONLY

DATE REQUEST RECEIVED

DATE APPROVED

DATE TEACHER INFORMED OF DECISION

DATE ESTABLISHMENT INFORMED OF DECISION

SIGNATURE

**APPENDIX 3**

Session

COMMUNITY SERVICES DEPARTMENT**Monthly Establishment Return of Time Off for Trade Union Duties (Teachers)**

Month

Name of School/Establishment

1) Teacher's Name	Union
date	days FTE
Reason for Time Off	Internal Cover <input type="checkbox"/>
.....	Central Cover <input type="checkbox"/>
2) Teacher's Name	Union
date	days FTE
Reason for Time Off	Internal Cover <input type="checkbox"/>
.....	Central Cover <input type="checkbox"/>
3) Teacher's Name	Union
date	days FTE
Reason for Time Off	Internal Cover <input type="checkbox"/>
.....	Central Cover <input type="checkbox"/>
4) Teacher's Name	Union
date	days FTE
Reason for Time Off	Internal Cover <input type="checkbox"/>
.....	Central Cover <input type="checkbox"/>
5) Teacher's Name	Union
date	days FTE
Reason for Time Off	Internal Cover <input type="checkbox"/>
.....	Central Cover <input type="checkbox"/>

2.

Appendix 3

Session

6) Teacher's Name
date

Union
days FTE

Reason for Time Off
.....

Internal Cover ☐
Central Cover ☐

7) Teacher's Name
date

Union
days FTE

Reason for Time Off
.....

Internal Cover ☐
Central Cover ☐

8) Teacher's Name
date

Union
days FTE

Reason for Time Off
.....

Internal Cover ☐
Central Cover ☐

9) Teacher's Name
date

Union
days FTE

Reason for Time Off
.....

Internal Cover ☐
Central Cover ☐

10) Teacher's Name
date

Union
days FTE

Reason for Time Off
.....

Internal Cover ☐
Central Cover ☐

11) Teacher's Name
date

Union
days FTE

Reason for Time Off
.....

Internal Cover ☐
Central Cover ☐

Total Days FTE.....
Total Days Internal Cover FTE
Total Central Cover FTE
No Cover Required

Head teachers signature Date