



TUC Model Agreement for Academies – Guidance Note & Key Principles

Introduction

This guidance considers the key issues of principle for the teaching and support staff unions in relation to trade union recognition and pay and conditions for employees in academies.

The TUC working with the ATL, GMB, NASUWT, NUT, UNISON and Unite have developed a *Model Agreement for Academies in England*. That model agreement provides a mechanism for trade union recognition and facilities and machinery for consultation and negotiation in academies and the unions are working for its adoption and implementation in all academies throughout England.

This guidance is intended to help in discussions between school governors, managers and trade union representatives about these issues. Experience has shown that governors are sometimes uncertain about the nature and extent of the commitments involved in establishing arrangements of this kind or are resistant to the adoption of the full TUC model agreement. This guidance will allow key principles to be discussed and agreed before more detailed discussions about the exact arrangements in each academy.

All the unions will support representatives of the sponsoring unions to achieve the principles below where possible. Representatives should contact their unions if they need further support about how best to approach an academy to achieve this.

The key principles

The following are the key principles for the trade unions and the key points for inclusion in any agreement. All are, of course, covered in the TUC model agreement. Adoption of the TUC model agreement will ensure these matters are fully and properly dealt with in the academy.

Trade union recognition and facilities

- an acknowledgement that, under the TUPE Regulations, existing trade union recognition transfers to the academy
- an undertaking to maintain the terms of existing recognition agreements and procedures, subject to any necessary amendment to those procedures to reflect the new circumstances of academy status
- an undertaking to permit and assist trade union organisation and activity and support trade union facilities
- an agreement to time off for academy union representatives
- an agreement to provide access to facilities (e.g. meeting rooms) for day-to-day trade union activities

- an agreement to participate in trade union facilities arrangements within the relevant local authority area, including release time for Academy employees and payments into pooled funding for these arrangements
- an agreement that where arrangements exist for the deduction and transfer of union subscriptions through payroll, these arrangements should continue.

Consultation and negotiation

- an undertaking to consult and negotiate with trade unions on matters affecting employees' employment and terms and conditions beyond the statutory requirements and in accordance with existing agreements, subject to any necessary amendment to procedures, to reflect new circumstances
- an agreement that there should be regular meetings between managers and union representatives, preferably in a specified regular forum
- an agreement that union representatives may, where they consider it necessary, be accompanied by local/regional trade union officers and officials at such meetings and at any hearings involving union members
- an agreement that, where any disputes arise between the academy and trade unions, either side may involve ACAS and the "status quo" will be maintained while this happens
- an agreement that the academy will seek to participate in local authority consultative machinery (where possible) where this discusses matters which will affect academy employees
- an agreement that the academy will consult and negotiate on any proposal to move away from any of the arrangements specified in this guidance note.

Trade union membership

- an agreement that the academy will encourage all staff to become members of the appropriate union (as described in the Model Agreement) at the time of appointment
- an agreement that academies will provide the trade unions with details of the names/workplaces of new staff on request.

Pay and conditions

- an undertaking to maintain existing national and local pay and conditions of service and to employ new employees on those terms
- an undertaking to apply all future national pay increases and changes in conditions of service in full
- an agreement to recognise previous service in local authority schools and/or academies for contractual purposes
- an acceptance that employees are entitled to membership of the Teachers' Pension Scheme and the Local Government Pension Scheme and a commitment to continuing participation in these pension schemes.

Notification to employees

- an agreement that the employer will write to all employees at the time of transfer setting out these terms of undertaking and agreement.