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## Community Service Group Guidance:

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# **Bargaining around workplace issues**

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## Re-structures, job losses and changes to pay and conditions

Members in the Community service group have faced a series of attacks on their jobs, pay and conditions over the last year, and these threats are set to continue.

Many voluntary sector organisations and housing associations, especially those which rely on income from the public sector through contracts, are experiencing severe financial difficulties. In some cases, the financial situation has been forced upon them, through a combination of the harsh cuts imposed by central government, and the way some local authorities are cutting the budgets they spend on the voluntary sector. In other cases, organisations are using the financial climate as an excuse to cut terms and conditions.

Either way, many employers are now making changes to jobs, pay and conditions. Changes may include: making redundancies; re-structuring jobs so that the employees that are left have different roles and sometimes lower pay; introducing new grading systems, perhaps with less incremental pay progression; cutting pay; and cutting other terms and conditions, for example sick pay, annual leave, redundancy arrangements and maternity rights.

UNISON reps and their branches will need to take a mixed approach to opposing these changes. You may wish to engage in a broad campaign, working with service users, their representatives, and the public. The UNISON website has pages which give lots of guidance and information designed to help you campaign against the cuts. Click here: <http://www.unison.org.uk/getcampaigning/>.

Sometimes you may be able to use the law to oppose changes. The proposals may be against the law – for example if they breach TUPE or equalities legislation. And there are laws governing the implementation processes that employers have to follow. Speak to your branch and region for further advice on this.

But a key approach for UNISON is to attempt to negotiate – challenging the claims made by the employer, looking for alternatives, and seeking to prevent or reduce the negative changes that are proposed to jobs, pay and conditions.

In all cases, stewards and reps should engage with their various networks in UNISON – such as the branch, the regional officer, and the regional service group – to get the appropriate advice, support and information. And for all bargaining issues, the Bargaining Support Unit at head office ([bsg@unison.co.uk](mailto:bsg@unison.co.uk)) and the Bargaining Zone on the UNISON website (<http://www.unison.org.uk/bargaining/index.asp>) are key sources of support.

Although the basic principles of negotiating around re-structures and changes to terms and conditions are the same whoever you are negotiating with, there are some particular areas of concern in the community and voluntary sector and in housing associations. Some advice and suggestions relating to these areas can be found below.

### Consultation

Has the employer consulted with their employees and unions, in line with legal duties and any recognition agreement that is in place? If an employer wishes to make changes to jobs or contractual terms, they have to consult the staff affected, and there also has to be a genuine and meaningful collective consultation with the recognised trade union. Redundancies can only be made if they are a last resort, with all other options having been exhausted. If employees' contracts are to be changed, they must be given due notice, as well as having been consulted.

Also, have they consulted with service users and other stakeholders (for example local authorities that may fund them, or service users' families)? The changes being proposed may have a negative impact on services (for example if redundancies are proposed, fewer staff may be left doing the same work).

### The employer's financial situation

There are several questions you may want to ask your employer. Are the proposed cuts necessary? What is the financial position of the employer? Has the employer considered

alternative sources of funding, for example drawing on reserves or increasing charges (if relevant)? Can proposed savings be made over a longer time frame i.e. not front-loaded?

UNISON has campaigned for many years against the system of funding which many voluntary sector organisations operate under: competing for contracts which are awarded on the basis of who can provide a generic service most cheaply, rather than on the basis of what new qualities a provider might bring to the service. This system harms the services, the workers providing them, and the voluntary organisations.

But as long as this system is in place, you may also wish to talk to employers about ways in which they can make their funding more sustainable. This might involve diversifying their income sources, achieving longer term funding than the short-term contracts that many voluntary organisations rely on, or by working towards ‘full cost recovery’ – in other words making sure all overheads and fixed costs are included in tenders for contracts.

You might find that employers are keen to try such things but don’t have the time or the expertise to do so, and in these situations UNISON can help: by talking to them about the information that is out there, and by monitoring them to check they are doing all they can to investigate these possibilities.

The Sustainable Funding Project helps voluntary and community organisations to explore and exploit the full range of funding and financing options open to them, rather than relying solely on government funding programmes. The project’s website [www.ncvo-vol.org.uk/sfp](http://www.ncvo-vol.org.uk/sfp) contains a wealth of information about how to access various sources of funding, and avoiding the pitfalls associated with providing public services.

New Philanthropy Capital and the Association of Chief Executives of Voluntary Organisations have produced Full Cost Recovery: A Guide and Toolkit on Cost Allocation, which is designed to help community and voluntary organisations to calculate the full costs of their projects and services. It is available at [www.acevo.org.uk](http://www.acevo.org.uk).

A challenge for UNISON reps is to make sure that employers consider potential staffing future costs in their definition of overheads – so that things like future pension contributions and incremental pay progression are budgeted for when the employer is bidding for new public service contracts.

### Equality issues

Has the employer carried out an Equality Impact Assessment of all proposed changes, to determine whether the changes would have a disproportionate impact on women, Black people, Lesbian, Gay, Bisexual or Transgender people, disabled people, or older/younger workers? Is the assessment adequate? If not, have reps raised questions and asked for further information? (See the separate section below for more information on equalities.)

Are there equal pay and equality consequences? For example, are women disproportionately affected by proposals to freeze or remove increments, adjust pay scales, or reduce terms and conditions? Some voluntary sector employers have recently been introducing new job evaluation schemes, which seek to analyse all posts and grade or rank them. This may be a good idea – to ensure that there is comparability of all jobs across the organisation. But some job evaluation schemes are better than others. Some organisations use very basic, ‘off the shelf’ schemes which are often not appropriate for the kind of work the sector carries out. For example, some organisations use job evaluation schemes which undervalue care work. Thousands of UNISON members in the voluntary sector are engaged in care work, and a majority of them are women. A job evaluation scheme which systematically undervalues care work could discriminate against women. Make sure you involve your UNISON regional organiser in any talks about job evaluation schemes. And for lots more information and advice about equal pay, see the UNISON website: <http://www.unison.org.uk/equalpay/>.

Even if there are no equal pay consequences, will the proposals affect one group of workers more than another? How will the changes affect part-time workers? Many charities are currently changing the way they provide care at night-time – for example moving from ‘waking nights’ to

'sleep-ins'. Some staff may not want to make such a move. Other employers are reducing their sleep-in payments. If the changes employers propose are mainly aimed at such specific shifts, the people who work on those shifts will bear the brunt of the attacks on terms and conditions.

See the separate section on Equalities below for more advice.

- TUC (2008) Coping with the Economic Downturn: A practical guide for working people and their families [tuc.org.uk/extras/downturn.pdf](http://tuc.org.uk/extras/downturn.pdf)
- UNISON (2006) Collective Redundancies Factsheet [unison.org.uk/acrobat/B2781.pdf](http://unison.org.uk/acrobat/B2781.pdf)

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## Handling redundancies

If redundancies are unavoidable following your campaign, then it is vital that their impact and scope are minimised, and that we make sure the employer does everything 'right' – employers have a lot of legal obligations if they are to make workers redundant. UNISON's guide to redundancies in Local Government is very relevant to members in Community as well, and so reps will find it to be a valuable resource: <http://www.unison.org.uk/localgov/redundancies/guide.asp>.

You can get further information and help about redundancies from lots of different sources:

- ACAS Redundancy Handling [acas.org.uk/index.aspx?articleid=747](http://acas.org.uk/index.aspx?articleid=747)
- BERR: Redundancy Consultation and Notification: Guidance [berr.gov.uk/whatwedo/employment/employment-legislation/employment-guidance/page13852.html](http://berr.gov.uk/whatwedo/employment/employment-legislation/employment-guidance/page13852.html)
- CIPD (2009) Redundancy [cipd.co.uk/subjects/emplaw/redundancy/redundancy.htm](http://cipd.co.uk/subjects/emplaw/redundancy/redundancy.htm)
- LRD (2009) Redundancy Law: A guide for union reps Available to order through the Labour Research Department. Tel: 020 7792 80621 email: [info@lrd.org.uk](mailto:info@lrd.org.uk)

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## Procurement and transfers of services

### Procurement

One of the biggest issues facing the Community service group is employment transfers. Over the last 10 years, many public services have been transferred to the community and voluntary sector and housing associations, as well as to the private sector. Different governments have attempted to convince us that such transfers are about using the voluntary sector to do things which the public sector cannot do, and that such outsourcing is not primarily about saving money. Whatever we think of such rhetoric, the reality is that the vast majority of such transfers do involve significant cost-cutting – either immediately upon transfer, or over the years, as the contract price is reduced. And on top of cost issues, transfers of employment lead to far more employment insecurity, as workers are transferred from the public sector to organisations which may be small, or less financially stable. Consequently, transfers have real implications for UNISON negotiators, as we seek to defend transferred members' jobs, pay and conditions, as well as those of workers who are employed after transfer.

UNISON has produced comprehensive guidance on procurement. Procurement is the process by which public sector bodies, such as local authorities, buy services from the voluntary and private sectors. This is usually done through contracts, and is known as outsourcing. There is actually plenty UNISON reps can do within this process – whether it is campaigning against the transfer, lobbying for an in-house bid to be considered, or representing and organising members through the process of transfer.

To download UNISON's procurement guide, and lots more information on procurement, you should visit the procurement pages on the UNISON website: [http://www.unison.org.uk/activists/procurement/docs\\_list.asp](http://www.unison.org.uk/activists/procurement/docs_list.asp).

The reality we currently face is that outsourcing is set to continue; in fact it is going to accelerate dramatically. The Government's Open Public Services White Paper makes it clear that a far greater range of public services than ever before are going to be outsourced. This means that far more services will be transferred to the community and voluntary sector and to housing associations, many of which are eager to bid for work and take on public sector contracts. The Community service group has to make sure that reps and branches are ready to represent and organise members as they transfer, and to recruit and organise new starters after the transfer.

### Employment transfers

In 2008, UNISON produced the Organising Guide to Transfers of Employment. This document focuses on how UNISON reps should work around transfers – before, during and after. The guide is a really helpful overview of the various areas you should consider. To read the guide, click here: [http://www.unison.org.uk/acrobat/PCU\\_organising\\_guide.pdf](http://www.unison.org.uk/acrobat/PCU_organising_guide.pdf)

The period immediately after the transfer is crucial, because that is often the time when UNISON tends to lose members and structural and organisational arrangements we had before transfer. So it is vital that you engage with the new (or potential new) employer prior to the transfer, about how they will interact with the union after transfer:

- Confirm the terms of recognition – so that new starters are covered by the recognition agreement, not just transferring staff
- Agree your bargaining arrangements
- Confirm DOCAS (deduction of contributions at source) for UNISON subscriptions, or get member to take out direct debits
- Get a facility time agreement in place

- Hold regular meetings with members
- Discuss with the employer what the arrangements will be for engaging 'new starters' (see the section on two-tier codes below)

Too often, following transfer, we allow employers either to de-recognise UNISON, or to let recognition transfer but make it meaningless by not granting any facility time for representatives or setting up any bargaining arrangements. Many voluntary sector employers will have little or no experience of working with trade unions. This can be a problem, but we can also use it to our advantage: at an early stage it is important that we demonstrate the value to an employer of working with a union. Remember, many of these employers won't have much human resources capacity, so working with a union may be helpful to them.

These arguments and suggestions also apply when members are transferring from one voluntary sector organisation to another.

### TUPE

Clearly the most important aspect of employment transfers is the ongoing security of members' jobs, pay and conditions. When voluntary sector organisations take on transferred staff, they have to abide by the TUPE (transfer of undertakings; protection of employment) regulations. TUPE guarantees that transferred staff keep their pay, conditions (such as annual leave, working hours, redundancy rights), and collective agreements they are covered by – such as trade union recognition. Pensions are not protected in the same way, but the new employer does have to provide a pension scheme which is broadly comparable to the one that the workers were in before being transferred.

There is no set time limit on how long employers have to honour their employees' TUPE rights. TUPE does not expire. If an employer wishes to change the conditions of TUPEd employees, they must have what is known as an ETO (economic, technical or organisational) reason for doing so. And they have to consult with the recognised trade union. UNISON's experience is that many voluntary sector organisations are relatively



uninformed about TUPE. Many try not to apply it at the time of transfer, by arguing that they will be providing a new and different service, not the one same as the old one; others try to change it in ways which they're not allowed to do. In all of these situations you should seek advice from your UNISON Regional Organiser, as legal advice may well be needed.

Before the transfer, it is crucial that reps clarify everything that is contractual and should transfer under TUPE. Don't assume that the current employer and the new employer will get this right. And don't assume that the new employer will agree that TUPE should apply at all (if they argue that it should not, find out from them exactly why not, and speak to your Regional Organiser about getting a legal view). You should also check employment contracts prior to the transfer to ensure that current terms and conditions are incorporated into individuals' employment contracts properly. If they're not, then there may be problems with transferring those terms and conditions. If you are in any doubt, make sure you seek legal advice through your Regional Organiser.

There is lots of information on TUPE, including legal advice and examples of cases and campaigns which might help you, on the UNISON website. Click here: <http://www.unison.org.uk/bargaining/tupeupdate.asp>.

In addition, the Organising Guide to Transfers of Employment provides a good overview of TUPE issues – go to [http://www.unison.org.uk/acrobat/PCU\\_organising\\_guide.pdf](http://www.unison.org.uk/acrobat/PCU_organising_guide.pdf).

It is important to remember, however, that TUPE is not a magic solution to the issues related to transfers. Employers often do find ways of getting round TUPE. For example, in the current severe financial climate, with the impact the Government's cuts are having on the sector, many employers have made changes to TUPE conditions (in other words removing TUPE rights and putting staff on worse pay and conditions) and claimed that the Government cuts give the employer an 'ETO' justification. When this claim is made, you should seek legal advice through your UNISON region – to check whether, given all the facts of the case, the employer can actually get away with this.

## Two-tier workforces

Although TUPE is a key issue for UNISON, our survey of members in the Community service group in 2011 revealed that only around one-fifth of our members have any sort of TUPE protection. All the rest are employed on their employers' own terms and conditions. So we have to make sure we are geared up to negotiate on their behalf.

While staff who are transferred from one employer to another receive some protection of their terms and conditions, UNISON has long been concerned about the emergence of two-tier workforces. This is the situation where employers engage 'new starters' to work alongside TUPEd staff, and pay those new starters different terms and conditions – for example lower pay rates, less annual leave, inferior sick and maternity/paternity arrangements.

For several years, workers in the community and voluntary sector received some protection from this, through the various 'two-tier codes' which the last government introduced. These codes stated that new starters should receive pay and conditions which were overall no less favourable than the terms and conditions of TUPEd staff. The codes were not perfect: many organisations were exempt, and the codes were sometimes difficult to enforce. But they did offer some protection against a 'race to the bottom' in which TUPEd staff were removed so that employers could replace them with cheaper staff.

However, the Coalition Government has removed those codes for new contracts, and this means that two-tier (or 'multi-tier') workforces are bound to re-emerge in the employers for whom Community service group members work. As we try to recruit and organise those new starters, it is vital that we campaign and negotiate for better protection for them.

In place of the two-tier codes, the Government has introduced voluntary 'Principles of Good Employment Practice'. Although these principles are not as strong as the two-tier codes, and are not enforceable, they do offer UNISON negotiators and reps some opportunities when engaging with employers. For example, the principles state that employers should consult with recognised trade unions when deciding what

terms and conditions to offer new starters. UNISON nationally will continue to argue for full and proper protection and equity in such situations, but in the meantime, UNISON stewards in Community may find these principles helpful, when negotiating with charities, housing associations and social enterprises for fair treatment for new starters. Outsourcing to such employers is only going to increase, and without statutory protection for new starters, we will need to negotiate locally for good practice to be implemented.

For the latest news on the two-tier codes, and more detail on the Principles of Good Employment Practice, click here to read UNISON's Bargaining Support factsheet: <http://www.unison.org.uk/file/Removal%20of%20the%20Two%20Tier%20Code%20Factsheet.doc>.

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## Pensions

While much of the talk about pensions focuses on the public sector pension schemes, pensions are a major issue in the community and voluntary sector and housing associations too.

Pay in the community and voluntary sector is pretty low, and so pensions are especially important to members in the Community service group. Where staff have transferred from the public sector, under the 'Fair Deal' guidelines employers are supposed to offer a 'broadly comparable' scheme, and we must hold employers to account to make sure that such provision is made. Some employers are able to gain access to the Local Government or Health pension schemes, which may be the easiest way to ensure that the 'broadly comparable' test is met.

But most Community members don't have this protection, and must rely on their employer's own pension scheme if they are to have any chance of a decent living after retiring. This problem has been made far worse by the Government's proposal to abolish the 'Fair Deal'.

The 2011 survey of our Community members suggested that 22 per cent are not in an occupational pension scheme; and a further 28 per cent are in an employers' defined contribution (DC) scheme. The benefit of DC schemes will be based on what the employer and employee have put in, and what the external economic conditions are. In UNISON's view, a DC scheme would need to have a 10% employer contribution to provide a reasonable chance of a decent pension in retirement. Very few DC schemes in the voluntary sector offer anything like that level of contribution.

So every UNISON negotiator has a major role to play, in helping members secure a decent pension. UNISON has a campaign for decent occupational pensions in the community and voluntary sector, which is based on five key principles:

- A predictable pension based on final salary
- Make adequate employer contributions to the pension scheme
- Member representation and decision-making
- Fair treatment following staff transfer
- Equal opportunities – a fair pension for everyone

For all the background and detail to this campaign and these principles, download the UNISON leaflet Campaigning for a decent occupational pension in the community and voluntary sector here: <http://www.unison.org.uk/acrobat/B3752.pdf>.

Another key area of interest for Community members is the auto-enrolment scheme, or NEST (National Employment Savings Trust). This is the new mandatory scheme, by which employers will have to provide an occupational pension at a certain level. All staff will be opted into the scheme; if they want to leave it, or opt out, they can do so. But every three years they will be opted back in and would have to make that clear choice to opt out again.

NEST is designed to ensure that far more workers have some sort of occupational pension



scheme. However, the minimum level of employer contributions under NEST have been set at a very low level, and the pension is not guaranteed - the member, not the employer, bears all of the risk around how well investments do and the cost of buying a pension when the member retires. This means that many employers for whom UNISON's Community members work are using NEST as a reason to reduce their pension provision down to that statutory minimum level. So the challenge for UNISON reps is to use NEST as a basis, but to negotiate for pension schemes which improve on NEST, and resisting attempts by employers to use NEST as justification for reducing pension provision.

For lots more on NEST, you may find the Pensions Advisory Service's website helpful: <http://www.pensionsadvisoryservice.org.uk/future-pension-reforms>.

## Equalities

Promoting equality in workplaces and in society is a key objective for UNISON. Click here for the Guide to equality in UNISON, which gives an overview of UNISON's agenda for promoting equality and tackling discrimination in employment, in public services, across society and in our union: <http://www.unison.org.uk/file/Guide%20to%20equality%20in%20UNISON.pdf>. (Please note that this guide is currently being updated to reflect the Equality Act 2010 – the updated version will be online soon.)

You can also find lots more information and advice about equalities at <http://www.unison.org.uk/equality/news.asp>. There is more detailed advice available on the web pages for Black, disabled, women, LGBT and young members, together with contacts for further information and advice.

You may also find the TUC's Guide to Equality Law 2011 useful. Click here to download a copy: <http://www.tuc.org.uk/equality/tuc-20272-f0.cfm>.

Equalities are a crucial issue in the community and voluntary sector. Many of the organisations that our members work for were set up to campaign, advocate, or provide services relating to equalities – for example disability charities, or asylum and immigration support organisations.

The groups providing specialist services to the Black community have faced some of the deepest cuts. For example, in London, the black and minority ethnic advice network of 42 agencies, coordinated by Advice UK is threatened by a recent decision of London councils to 'localise' a pan-London grants scheme, a key funder of many agencies.

Despite the community and voluntary sector's close relationship with the equalities agenda, when asked, nearly two-thirds of the members of UNISON's Community service group said they had experienced or observed poor equality practice in the previous 12 months. The cuts may make this worse: funding shortages often lead to an increase in discriminatory treatment. So we have an important job to do, making sure employers understand the importance of equalities in relation to employment as well as service provision, securing good equalities

policies and procedures, and getting them implemented in practice, through a positive organisational culture.

Negotiating and bargaining for race equality in the community and voluntary sector will ensure fair treatment for UNISON members, and also the protection of services to some of the most vulnerable communities in the UK. To assist with this, branches and reps should use and get involved in UNISON's Challenging Racism in the Workplace project. The Challenging Racism pages on the UNISON website have lots of tools designed to assist you negotiate and bargain around race equality issues, to help ensure that racism in the workplace is stamped out. Click here: <http://www.unison.org.uk/challengingracism/>.

### The Equality Act and the equality duties

In 2010, Parliament passed the Equality Act. The Act covers all organisations that provide services to the public, or to a section of the public. This means that many of the employers that UNISON Community members work for are covered by the Act. To read guidance on the Act produced specifically for the community and voluntary sector, click here: <http://www.homeoffice.gov.uk/publications/equalities/equality-act-publications/equality-act-guidance/vcs-association-perception?view=Binary>. You may find this guidance helpful when pointing out to employers what their legal responsibilities are.

In addition, when talking to employers, it may be helpful to emphasise the ways in which the Act can help them in the work they do providing services. It may be that by working with them on improving equalities and service quality, you can negotiate a better deal on equalities for members in the workplace. For a useful guide on how community and voluntary sector employers can use the Equality Act advocacy, service delivery and campaigning, click here: <http://www.edf.org.uk/blog/?p=8780>.

The Act may also be helpful as you campaign against the Government's savage cuts in public spending, when they are passed on to the voluntary sector. In January 2011, a high court judge ruled that the London Councils organisation had acted unlawfully when cutting

£10m from its grants to voluntary organisations. The judge ruled that the group's consultation process was flawed and that they had not met their statutory equality duties. For more information on this, click here: [http://localgovernmentlawyer.co.uk/index.php?option=com\\_content&view=article&id=5723:high-court-quashes-london-councils-plan-to-cut-p10m-from-grants-scheme&catid=52:adult-social-services-articles&q=&Itemid=20](http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=5723:high-court-quashes-london-councils-plan-to-cut-p10m-from-grants-scheme&catid=52:adult-social-services-articles&q=&Itemid=20).

The Equality Act replaced the previous equality duties, on race, gender and disability, with a single public sector equality duty. The duty covers people who have what are termed 'protected characteristics', based on race, disability, pregnancy and maternity, age, religion or belief, sex, sexual orientation, and gender reassignment.

The general equality duty means that public sector employers must give "due regard" to the need to: stop unlawful discrimination, harassment and victimisation; promote equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not.

The general equality duty applies to public authorities such as local authorities, and they cannot pass on their responsibilities and obligations under the Act by outsourcing public services. So if you work for an employer which provides a public service through a contract with a public body, the general equality duty still applies to that public body – it still has mandatory equalities responsibilities.

However, the general duty also applies to contractors who are in the process of "exercising public functions". This means charities, social enterprises and other voluntary organisations delivering public services must also give due regard to the three objectives of the general duty when delivering services. So when a service is contracted out to the voluntary sector, both the contractor and the public authority that commissioned the service have to give due regard to the three principles of the general duty.

For UNISON's full guidance on the Public Sector Equality Duty, click here: [http://www.unison.org.uk/file/Public\\_Sector\\_Equality\\_Duty\\_Guidance%20Final.doc](http://www.unison.org.uk/file/Public_Sector_Equality_Duty_Guidance%20Final.doc).

There is also a specific equality duty. The regulations on the specific duties will require public authorities to publish equality objectives at least every four years, and information to demonstrate their compliance with the equality duty at least annually. For more information on the specific duties, see page 7 of UNISON's guidance on the Public Sector Equality Duty.

The specific duty does not apply to voluntary sector organisations, but it may be of use to reps who are encouraging employers to implement better equalities practices.

## Violence at work

Violence at work is a massive issue for UNISON members in the Community service group.

UNISON's 2011 survey of Community service group members revealed that more than a quarter of them have experienced violence at work while working for their current employer. By far the most common source of violence at work is service users, but violence by housing tenants and colleagues are also fairly common.

To an extent, this is not surprising – the services our members work in are often those aimed at the most vulnerable groups in society, and some of the more challenging individuals.

But that does not mean violence at work is acceptable. Employers have clear legal duties – to assess the risks of violence to employees, to remove those risks, or, when that is not possible, to introduce comprehensive strategies to control them.

About a third of members reported in the survey that incidents of violence had been dealt with very well, and a similar number said they had been dealt with fairly well. But 44 per cent said it had not been dealt with well. And while most members' employers have violence at work policies, almost a quarter of those policies are not seen as effective by our members.

This means that UNISON branches and reps have a major role to play: gathering information from members, making clear that their employers know what is happening in every workplace, and negotiating and campaigning for good strategies to assess, control and eliminate violence at work.

To help you, UNISON has produced a guide to tackling violence at work – It's not part of the job. You can access it online here: <http://www.unison.org.uk/file/18279.pdf>.

You will also find lots of other resources relating to violence at work in the Health & Safety Zone in the UNISON website: <https://www.unison.org.uk/safety/violencedocs.asp?p=1&s>.

## Facility time

Facility time is one of the most important issues faced by UNISON reps in the Community service group. It is vital that we secure, keep and improve facility time agreements if we want to represent, recruit and organise workers in charities, housing associations and the rest of the community and voluntary sector.

To read UNISON's guidance on facility time for the Community service group, click here: <http://www.unison.org.uk/acrobat/20067.pdf>.

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## Volunteering

UNISON's policy on volunteering is clear. Volunteers play incredibly valuable roles in our society. Whether they are preparing meals at a local Age Concern, or working as an unpaid trade union rep, volunteers offer much needed efforts and resources. But they should not be used as replacements for employed, paid, trained staff in our public services. In the current economic climate, employers may try to do exactly that, and we must be clear that the way to deliver high quality and fully accountable public services, in the voluntary sector just as in the public sector, is to employ professional staff, pay them properly, and make sure they are trained and developed.

Many of the employers in which we have members will legitimately use volunteers alongside paid staff. It is vital that we make sure that relations between paid staff and volunteers at a local level are constructive, with everyone understanding everyone else's role, ensuring that staff and volunteers can work together effectively.

The TUC and the organisation Volunteering England have produced a charter which sets out principles to ensure good relations between staff and volunteers. It should be of use to you if your employer is seeking to begin to use volunteers, or to change the ways in which it uses them. Click here to read it: <http://www.tuc.org.uk/workplace/tuc-17329-f0.pdf>.

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## Safeguarding

Many Community service group members work with vulnerable children or adults, and so the issue of safeguarding, and the process for vetting and barring individuals who pose a risk to vulnerable adults or young children, are of great importance. The safeguarding of the people our members work with is of course of paramount importance. But it is also vital that workers are treated fairly and proportionately.

### England, Wales and Northern Ireland

In 2011, the Government announced that the vetting and barring scheme and criminal records procedures in England, Wales and Northern Ireland would be thoroughly overhauled. Major changes included the scrapping of the vetting and barring register, and moves to make criminal record checks streamlined and portable.

The requirement for individuals to register with the vetting and barring scheme will be scrapped. Now, only those who are barred and therefore not able to work with children and vulnerable adults will be named on a list. It will continue to be an offence for a barred individual to work with vulnerable groups and for an employer to hire a barred individual. If there are concerns that an individual may pose a risk to vulnerable groups, then information must continue to be referred to the barring body, for investigation.

If, after a complaint has been made and investigated by the Independent Safeguarding Authority (ISA), the ISA believes someone may pose a risk of harm to vulnerable adults or children (for example, because they have committed an offence or have undergone a disciplinary procedure at work), they will receive a letter informing them that the ISA are "minded to bar" them and giving them just eight weeks to respond to this notice.

**Members, and reps who are contacted by members, should contact their local UNISON branch as soon as they receive a letter; and they should seek advice before responding.**

If individual representations are rejected, then the individual will be placed on one or both of the barred lists – covering the children's and

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vulnerable adults' sectors. A barred person will be able to request a review of their status after a set period.

For more information, see the UNISON update at <http://www.unison.org.uk/acrobat/B5396.pdf>, and check out the UNISON advice leaflet Professional registration-representation unit: advice for members at [www.unison.org.uk/acrobat/19139.pdf](http://www.unison.org.uk/acrobat/19139.pdf).

Please note that the advice for England, Wales and Northern Ireland is temporary pending the outcome of the current government review of the scheme and anticipated new regulations.

### **Scotland**

In Scotland, a new system for vetting and barring came into force in February 2011. It is known as the Protecting Vulnerable Groups (PVG) scheme.

The scheme will initially affect new staff or those changing jobs, but over the next four years, all staff who work with children or vulnerable adults will be covered by the scheme. People who work or volunteer, on a regular basis, with vulnerable groups will join the PVG scheme and from then on, their membership records will be automatically updated if any new vetting information arises. Vetting information is conviction and non-conviction information held by the police that is considered relevant.

A key issue for UNISON reps is that it costs individuals £59 to be registered for the PVG scheme. This will be yet another financial burden for many people, especially low-paid workers. In UNISON's view employers should pay for the initial batch of registrations that will be required when the scheme starts applying to their organisation. As there is no provision for this in the legislation, it comes down to what UNISON reps can negotiate locally - it is worth trying to get the employer to pay for existing staff to join the scheme. Failing that, some sort of cost-sharing arrangement between employer and employee might be achievable.

For more on the PVG scheme, click here: <http://www.pvgschemescotland.org/what-is-PVG.html>.

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## Further information and advice

Your first port of call for information and advice should usually be your UNISON branch, and your regional office. But you may also find the following contacts helpful:

UNISON's Bargaining Support Unit:  
[bsg@unison.co.uk](mailto:bsg@unison.co.uk)

UNISON Community Service Group at head office: [cvsector@unison.co.uk](mailto:cvsector@unison.co.uk)

UNISON Direct: 0845 355 0845





