

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 affiliated unions (ATL, GMB, NAHT, 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, in some cases, 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.

This guidance is also intended to assist in discussions where arrangements are needed which reflect the structures of multi-academy chains. The model agreement contains an optional provision for use in academy chains to establish arrangements at both Trust-wide and individual academy level. In free-standing academies, and in smaller academy chains where trade unions do not think it necessary to have two-tier arrangements, this provision can be deleted.

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.

Using the TUC model agreement for Academies

Where an Academy replaces an existing school so that students and staff transfer to the Academy, there will be a transfer of recognition accompanying the transfer of undertakings under the terms of the TUPE Regulations. In such cases, there is no need to negotiate the principle of

recognition with the Academy sponsor and this should be stated clearly during the TUPE consultation.

In some cases, there may already be a satisfactory relationship and arrangements for consultation, negotiation and representation. Even so, in such cases consideration should be given to entering into a formal agreement and arrangements as set out in the TUC model.

In those Academies (including free schools) where there has been no transfer of undertakings from a predecessor school, it will be necessary to negotiate the principle of recognition.

Where the model is used, it will serve in those Academies which have succeeded predecessor schools to establish revised arrangements more appropriate to the changed circumstances of the Academy. In Academies without a predecessor school, it will serve to establish appropriate arrangements to give effect to the newly-established recognition arrangements.

The model is, of course, intended for adaptation to the particular local circumstances in each Academy and local authority area.

The model procedure provides for recognition for all unions which are signatories to this agreement. Matters will be taken forward most effectively in partnership by all of the trade unions which have members at an Academy and the anticipated process will be that these unions will wish to discuss the situation together prior to opening negotiations on presenting this TUC model procedure to the Academy employer body.

The signatory trade unions believe the single table model is the most effective way of bargaining on behalf of the whole school workforce, with provision for sub-groups where appropriate. A model constitution and detailed operating arrangements for a Joint Consultative and Negotiation Committee (JCNC) can be found at www.tuc.org.uk/sites/default/files/JCNCModelConstitutionJuly15.pdf

In order to facilitate the efficient operation of the JCNC and the undertaking of other trade union duties, the Academy Trust should agree both to contribute to pooled funding for time off with pay for trade unions' local officers and to provide time off with pay to any of its employees who undertake trade union duties in that capacity. Academy level (workplace) teacher union representatives should receive one period per week as timetabled trade union facilities time or as close to one hour as the length of the teaching periods allow. Support staff union representatives should receive broadly comparable facilities time.

It is not possible for the model agreement to address every eventuality and it is therefore recommended that representatives of the signatory trade unions consult their specific union if they require any further information and clarification on specific parts of the agreement.

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. All of the unions who are signatories to this document believe that academies must consult and negotiate, where appropriate, on any proposal to move away from any of the arrangements specified in this guidance note.

Trade union recognition and facilities

- an acknowledgement that, under the TUPE Regulations, existing trade union recognition transfers to the academy. In addition, recognition should extend to all new employees
- an undertaking that the following unions – ATL, NAHT, NASUWT and NUT – will be recognised for teaching staff and that the following unions – GMB, UNISON and Unite – will be recognised for support and other professional staff
- 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 made by local agreement, including release time for Academy employees and payments into pooled funding for these arrangements
- an agreement that arrangements should exist for the deduction and transfer of union subscriptions through payroll.

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.

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

- refer to paragraph 32 in the Model Agreement for Academies in England and contact your appropriate regional or national officials.

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.