

REVISED
AND UPDATED
EDITION

National
Organising
Plan
Branch
Support
Pack

Winning
better
facilities
time and
recruiting
new staff

ucu
University and College Union

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Facilities agreements are often part of a union's collective agreement with the employer, an agreement that covers all the union's industrial relations with the employer, including recognition and negotiation. Most fundamentally, facilities agreements cover time off for the union's reps. But they also include other aspects of the union's rights to represent its members, such as information and access to physical resources like rooms and means of communication.

Facilities time agreements are part of the mesh of agreements that govern industrial relations in our workplaces. Sometimes they are written down, sometimes they are encoded in written agreements. In every case, their value and their existence are dependent on the commitment of branch officers and members. Being able to successfully defend management attacks on facilities time or being able to extend and improve existing agreements depends on winning the support of members and turning that support into sustained pressure on management through campaigning and negotiating.

**The importance of
the local agreement**

Although the right to time off and facilities for trade union duties enjoys some protection in law, as elsewhere in the industrial relations landscape, this is no substitute for a good local agreement which is backed by a branch that understands its importance. An agreement signed by all parties, stating in writing exactly who can take time off, and how and when they can take it, leaves no room for the kind of ambiguities embedded in the law or ACAS guidance, for example. Agreements can't provide for less than the law and most provide for more than the legal minimum. Ideally, a branch should have an agreement written down and to be looking to review and update that agreement on its own terms. Reality is of course, often more complex and as the recent case of Nottingham Trent University shows, the employers always have an interest in reducing facilities time for reps.

**Why this campaign
is so important**

Every rep knows, and reports, that time pressures and union workloads are the biggest obstacles to effective workplace representation. As the UCU survey of facilities time showed, we have a clear job to do to improve facilities time and a clear bargaining and campaigning agenda:

- In between 30 and 50% of branches, depending on sectors, we need to ensure that there is a proper written agreement. The intensification of workforce reform and the growth of a more aggressive approach to human resource management make dependence on 'custom and practice' gentleman's agreements unsustainable in the long run.
- We must eradicate those examples where there is no time off at all.
- We must improve allocations of time off so that they better reflect the needs of our overworked branches.
- We must drive up the percentage of branches who have access to staff lists and invitations to inductions.

The case for this campaign is made even stronger when we consider the attacks being launched on union facilities now and those likely to come under the coalition government.

For example, UCU members had to fight hard to defend an onslaught against union facilities time at Nottingham Trent university. The success of that campaign, which brought in the whole national union's support, is a testament to what can be done.

However, union facilities are likely to come under attack from the coalition government. In opposition, the Conservative party attempted to portray public sector unions' facilities time agreements as a misuse of taxpayers' money (see www.timesonline.co.uk/tol/news/politics/article6833107.ece).

The case for making this a priority campaign for all branches, as indicated in the NOP, is unanswerable.

The National Organising Plan, overwhelmingly passed by Congress, has established that the improvement of facilities time agreements should be a priority objective for all branches. The NOP calls for branches to:

- seek written agreements where they do not already exist
- review their existing facilities agreements against the model agreement, approved by the Recruitment, Organising and Campaigning Committee
- where there are inadequacies in existing agreements, to seek improvements, using the model agreement.

Why is this?

UCU has identified that one of the main problems facing reps is the absence of local facilities agreements, poor local agreements or local agreements that are no longer adequate for the new demands placed on reps by a more localised bargaining environment.

In 2008-9, UCU undertook a branch-wide survey of facilities time agreements. More than 300 branches responded to the survey, including 233 Further Education branches and 85 Higher Education branches.

The overall national picture showed that:

- 31% of all branches had no written agreement on facilities time.
- 50% of pre-92 university branches reported that they had no written agreement.

The survey then asked branches to report on whether the time off they were granted was either specified time off or 'reasonable' time off:

- 31% of pre-92 university branches reported that they had specified time off
- More than 70% of branches had specified time off in both post-92 university sector and further education.

A worrying number of branches reported that they had no time off at all:

- 8% of pre-92 university branches reported that they had no time
- 10% of post-92 branches reported no time off
- 7% of FE branches reported no time off.

Consequently, the National Organising Plan calls for the union as a whole to make a coordinated and sustained push to improve the coverage and quality of local agreements.

We all know that recruitment is vital to the health of the union and that our ability to defend our sector and win improvements to pay and terms and conditions is dependent on our ability to present ourselves as the voice of the profession. Yet recent surveys by the union have shown that we are not recruiting as successfully as we can do. The union currently recruits significantly less than its eligible membership. Even more starkly, only 10% of the eligible membership aged under 30 are UCU members. We have a job to do to ensure that the union grows among these 'early careers' groups.

One of the main obstacles to increased growth, identified in these surveys has been that access to new staff among our branches is patchy across the union.

In our survey of facilities time, we also revealed how patchy access to new staff really was.

This was measured through access to staff inductions and access to lists of new joiners and leavers or lists of all staff.

- 60% of both pre-92 University branches and further education branches reported that they were regularly invited to inductions
- only 32% of post 92 branches reported that they were regularly invited to inductions
- just under 60% of pre-92 university and further education branches reported that they had regular access to staff lists.
- only 42% of post-92 branches reported the same access.

Having access to staff lists makes a real difference. In the union's national recruitment campaign of 2009, where a branch was able to secure a complete list of staff from management for the purposes of recruitment, often using the resources in the earlier version of this pack, they recruited at twice the rate of other branches.

If you are taking the case for a written agreement or for improvements to your existing agreement to management, your case will be far stronger if you have already won the support of your branch.

Make sure that members know why you are doing this by explaining it to them in branch communications.

Better still would be to hold a branch meeting and win the branch's support for a claim for a written agreement or for improvements. This makes it harder for management to argue that the need is not there or that it is merely self-interest on the part of reps.

With members, you can use the arguments that adequate time off for reps means:

- more time to prepare cases and consequently, better support for members in disciplinary procedures
- more time to prepare for negotiations with management
- more time to consult the membership and report back through emails, newsletters etc
- more time for training to provide better representation.

It's a good idea to gather examples in advance of meetings or for branch communications that show how time off has helped with negotiating, representing or communicating with members.

Also, use any examples of where time pressure on reps prevents proper justice for individuals or a fair settlement for members as a whole.

Try to ensure that your arguments draw on issues that currently concern the membership.

Making your case to management is, of course, the more difficult part.

The arguments are similar, but the job here is to make it hard for management to refuse by building a case that better facilities time will produce smoother-running industrial relations and reduce conflicts.

If you already have your members' support for your case and you can build a convincing case for managers, you are making it difficult for them to refuse.

If they do refuse, you will have to take it back to your members and think about a more sustained campaign.

In this case, you can then say to an already sympathetic membership, as well as to the wider campus community, that managers are obdurately refusing a reasonable case for time off that will reduce problems at your college or university. This ensures that managers appear isolated and unreasonable, which forms a good basis for a campaign on facilities.

Gather evidence

Once again, in advance of any meeting with managers, make sure you gather evidence. It would be good to have examples where:

- UCU reps' work resolved a difficult issue for management
- the absence of proper facilities meant that an issue dragged on and became more complicated
- some change introduced by the employer has generated more work for reps
- meetings have had to be cancelled or postponed through inadequate time to prepare
- individual cases have dragged on through inadequate time to prepare or inadequate training.

Arguments to use with managers

These are some arguments you can use with your managers, perhaps in initial correspondence. Better facilities time agreements will help:

- enable the fostering of good industrial relations practice, based on trust and clearly understood procedures
- save time and resources by allowing UCU reps to advise members before issues become complex problems
- provide a consistent and mutually understood approach to processes involved in resolving future collective and individual problems
- avoid unnecessary conflicts between managers and reps by setting out a clear framework for time off in advance of potential problems
- minimise the potential for serious industrial disputes.

Making your approach

Whether you make your approach firstly through informal channels or requesting it as an agenda item at negotiations will be a matter for you according to your local situation, but you should take advice from your regional office before commencing and throughout your negotiating or campaigning.

Where can we get help if we have to campaign on facilities time?

If you find yourself having to build a campaign around facilities time, you can get support from your regional committee and regional office, but you can also get support from the national campaigns team. The national campaigns team is tasked with providing national level campaigning and organising support for the NOP priority areas. It can help you with producing campaigns advice, as well as a large range of campaign resources such as posters, leaflets or newsletters.

You can contact the National Campaigns Team at campaigns@ucu.org.uk.

The union's Recruitment, Organising and Campaigning Committee, a subcommittee of the NEC, has agreed this checklist to help branches ensure that they are aiming at securing what we consider to be best practice:

Reps time off

Time off for trade union duties

Branches should seek written agreement that accredited reps will have reasonable paid time off during the normal working day for trade union duties. Trade union duties include the following:

- attendance of meetings of negotiating committees, including pre-meetings
- attendance of joint union meetings
- holding meetings with members and staff to obtain or relay information consequential to meetings of management on collective bargaining or industrial relations matters.
- attendance at jointly agreed meetings
- meeting with full-time trade union officers concerning industrial relations between the college/university and those employees who are its members.
- attending staff inductions
- attending meetings of the UCU branch committee
- preparation for, meetings with and acting on behalf of UCU members in grievance or disciplinary meetings or other cases internally or at an employment tribunal
- such other trade union duties as are agreed from time to time by the UCU branch and management.

Time off for trade union activities

Where possible, branches should seek to include paid time off for trade union activities, in line with current best practice. Accredited reps should have time off for during the normal working day for the following trade union activities:

- meetings of union policy-making bodies, such as: UCU national Congress; regional committees; UCU specialist and standing committees
- meetings with full-time officials to discuss issues relevant to the workplace.

Branches should ensure that access to paid time off for trade union duties and activities shall be open to all staff groups regardless of contract type.

Paid time off for training

- In accordance with statutory rights, accredited reps will have access to reasonable paid time off to attend training in all areas relevant to the carrying out of rep duties on courses approved by UCU or the TUC.
- Reasonable notice will be given of attendance at any training event.

Training for potential reps

- Branches should seek agreement that in order to increasing the number of accredited and trained reps and better enable the good conduct of industrial relations, reasonable paid time off should be allowed for attendance of training events aimed at encouraging members to become reps.
- At the very least, agreement should strive to ensure that management look positively upon such requests and assist with securing cover where necessary.
- Reasonable notice will be given of intention to attend such training events.

Allocation of time off

- The allocation of agreed time should be at the discretion of the UCU branch only.
- Accreditation of reps will be solely the responsibility of the UCU branch but management will be provided with a list of all accredited reps following the annual AGM and updated on changes to this as appropriate.
- Allocations of time off should not include time spent accompanying or representing a member.
- Where appropriate, in the case of lecturing staff, the proportion of hours taken from teaching or non-teaching activities should reflect the proportion between

Members' paid time off

Members will have paid time off for attendance of full members' meetings at least once per term and as appropriate should UCU be required to consult its members, in order to enable members to be fully informed and involved in decision-making.

In addition, ROCC has advised that branches aim to achieve the following as part of their facilities time agreements:

Negotiating forum

- joint negotiating structure

Physical facilities

- an office provided with lockable filing cabinet
- access to photocopier free or at cost
- access to computer
- telephone
- stationary supplies

Communications

- access to meeting rooms on campus
- noticeboards
- access to electronic communications, including email and internet
- internal mail services
- postal services.

This section includes key resources that you can use in bargaining with management. The first section provides the statutory basis and the ACAS guidance in relation to the following key areas:

- written agreements
- specified time off
- time off for trade union duties
- time off for trade union activities
- cover and payment
- access to new staff.

The second section contains best practice examples in relation to the key areas based on the results of our survey of UCU agreements. These are broken down into: pre-92 university sector; post-92 university sector; and further education sector.

Written agreements

The updated ACAS Code of Practice (www.acas.org.uk/CHttpHandler.ashx?id=1128) states a clear preference for written agreements:

56. A formal agreement can help to:

- provide clear guidelines against which applications for time off can be determined
- establish realistic expectations on the part of union representatives and managers
- avoid misunderstanding
- facilitate better planning
- ensure fair and reasonable treatment.

57. Agreements should specify:

- the amount of time off permitted recognising that this will vary according the fluctuations in demand on the union representatives' role
- the occasions on which time off can be taken including meetings with management, meetings with other union representatives, time needed to prepare for meetings, communicating with members and their trade union, time to undertake e-learning if appropriate and to attend approved training events
- in what circumstances time off will be paid
- arrangements for taking time off at short notice
- how pay is to be calculated
- to whom time off will be paid
- the facilities and equipment to be provided and limits to their use, if any
- arrangements for ensuring confidentiality of communications involving union representatives. These should include agreed rules on the use of data and the exceptional cases where monitoring may be necessary, for example in cases of suspected illegal use, specifying the circumstances where such monitoring may be undertaken and the means by which it is to be done, for example by company IT or security personnel
- the role of line managers in granting permission to legitimate requests for time off and, where appropriate and practical, ensuring that adequate cover or work load reductions are provided
- the procedure for requesting time off
- the procedure for resolving grievances about time off.

58. In addition, it would be sensible for agreements to make clear:

- arrangements for the appropriate payment to be made when time off relates in part to union duties and in part to union activities
- how and in what circumstances payment might be made to shift and part time employees undertaking trade union duties outside their normal working hours.

(www.acas.org.uk/CHttpHandler.ashx?id=1128)

Specified time off

In further education, recently negotiated national guidance clearly states that an agreed allowance of time off should be negotiated:

6.5.3: An Agreed allowance of time off available for trade union duties should be negotiated and agreed with the recognized trade unions concerned. College Management will give reasonable consideration to union requests for time off in excess of the agreed allowance where circumstances require.

(www.ucu.org.uk/media/docs/t/c/feeng_localrecognition_dec09.doc)

Time off for trade union duties

Time off for trade union duties is a legal right enshrined in statute. Section 168 of the Trade union and Labour Relations (Consolidation) Act 1992, states:

(1) An employer shall permit an employee of his who is a union official of an independent trade union recognised by the employer to take time off during his working hours for the carrying out any duties of his, as such an official, concerned with

(a) negotiations with the employer related to or connected with matters falling within section 178(2) (collective bargaining) in relation to which the trade union is recognised, or

(b) the performance on behalf of the employees of the employer of functions related to or connected with matters falling within that provision which the employer has agreed may be so performed by a trade union.

(www.opsi.gov.uk/ACTS/acts1992/ukpga_19920052_en_1)

What are trade union duties? The ACAS Code of Practice provides an extensive list of the range of activities enclosed within trade union duties:

12. Subject to the recognition or other agreement, trade union representatives should be allowed to take reasonable time off for duties concerned with negotiations or, where their employer has agreed, for duties concerned with other functions related to or connected with the subjects of collective bargaining.

13. The subjects connected with collective bargaining may include one or more of the following:

(a) terms and conditions of employment, or the physical conditions in which workers are required to work.

Examples could include:

- pay
- hours of work
- holidays and holiday pay
- sick pay arrangements
- pensions
- learning and training
- equality and diversity
- notice periods
- the working environment

- *operation of digital equipment and other machinery.*

(b) engagement or non engagement, or termination or suspension of employment or the duties of employment, of one or more workers. Examples could include:

- *recruitment and selection policies*
- *human resource planning*
- *redundancy and dismissal arrangements.*

(c) allocation of work or the duties of employment as between workers or groups of workers. Examples could include:

- *job grading*
- *job evaluation*
- *job descriptions*
- *flexible working practices*
- *work-life balance.*

(d) matters of discipline. Examples could include:

- *disciplinary procedures*
- *arrangements for representing or accompanying employees at internal interviews*
- *arrangements for appearing on behalf of trade union members, or as witnesses, before agreed outside appeal bodies or employment tribunals.*

(e) trade union membership or non membership. Examples could include:

- *representational arrangements*
- *any union involvement in the induction of new workers.*

(f) facilities for trade union representatives. Examples could include any agreed arrangements for the provision of:

- *accommodation*
- *equipment*
- *names of new workers to the union.*

(g) machinery for negotiation or consultation and other procedures. Examples could include arrangements for:

- *collective bargaining at the employer and/or multi-employer level*
- *grievance procedures*
- *joint consultation*
- *communicating with members*
- *communicating with other union representatives and union full-time officers concerned with collective bargaining with the employer.*

14. The duties of a representative of a recognised trade union must be connected with or related to negotiations or the performance of functions both in time and subject matter. Reasonable time off may be sought, for example, to:

- *prepare for negotiations, including attending relevant meetings*
- *inform members of progress and outcomes*
- *prepare for meetings with the employer about matters for which the trade union has only representational rights.*

(www.acas.org.uk/CHttpHandler.ashx?id=1128)

Trade union activities

The statutory basis for Time off for Trade Union Activities is Section 170 of the Trade Union and Labour Relations (Consolidation) Act 1992:

(1) An employer shall permit an employee of his who is a member of an independent trade union recognised by the employer in respect of that description of employee to take time off during his working hours for the purpose of taking part in—

(a) any activities of the union, and

(b) any activities in relation to which the employee is acting as a representative of the union.

(2) The right conferred by subsection (1) does not extend to activities which themselves consist of industrial action, whether or not in contemplation or furtherance of a trade dispute.

(3) The amount of time off which an employee is to be permitted to take under this section and the purposes for which, the occasions on which and any conditions subject to which time off may be so taken are those that are reasonable in all the circumstances having regard to any relevant provisions of a Code of Practice issued by ACAS.

(4) An employee may present a complaint to an industrial tribunal that his employer has failed to permit him to take time off as required by this section.

www.opsi.gov.uk/ACTS/acts1992/ukpga_19920052_en_1

What are examples of trade union activities? The ACAS Code of Practice, 2009 lists a non-exhaustive range of trade union activities:

37. *The activities of a trade union member can be, for example:*

- *attending workplace meetings to discuss and vote on the outcome of negotiations with the employer. Where relevant, and with the employer's agreement, this can include attending such workplace meetings at the employer's neighbouring locations*
- *meeting full time officers to discuss issues relevant to the workplace*
- *voting in union elections*
- *having access to services provided by a union learning representative.*

38. *Where the member is acting as a representative of a recognised union, activities can be, for example, taking part in:*

- *branch, area or regional meetings of the union where the business of the union is under discussion*
- *meetings of official policy making bodies such as the executive committee or annual conference*
- *meetings with full time officers to discuss issues relevant to the workplace.*

IMPORTANT Note that there is no requirement in statute for representatives to be paid for time off for trade union activities. However, the ACAS Code of Practice indicates that this would be in line with good industrial relations practice:

41. *There is no statutory requirement that union members or representatives be paid for time off taken on trade union activities. Nevertheless employers may want to consider payment in certain circumstances, for example to ensure that workplace meetings are fully representative or to ensure that employees have access to services provided by union learning representatives.*

www.acas.org.uk/CHttpHandler.ashx?id=1128

Time off for trade union activities in FE The recently negotiated agreement with the AoC widens the definition of a workplace rep so that the term 'trade union representatives' includes workplace representatives, regional and national committee members, health and safety representatives and learning representatives. It also makes it clear that there should be reasonable time off for attending national, or regional meetings or being elected conference delegates:

6.5.4 In the event of a representative being elected to a national or regional position within their union, arrangements for reasonable time off to fulfill their functions and responsibilities will be subject to agreement between the individual and the College.

6.5.5 Similar arrangements to 6.5.4 should apply in the event of a representative being elected as a national conference delegate at an appropriate national union conference.

(www.ucu.org.uk/media/docs/t/c/feeng_localrecognition_dec09.doc)

Payment and cover

The ACAS Code of Practice makes it clear that time off for trade union duties must be paid.

18. An employer who permits union representatives time off for trade union duties must pay them for the time off taken. The employer must pay either the amount that the union representative would have earned had they worked during the time off taken or, where earnings vary with the work done, an amount calculated by reference to the average hourly earnings for the work they are employed to do.

The calculation of pay for the time taken for trade union duties should be undertaken with due regard to the type of payment system applying to the union representative including, as appropriate, shift premia, performance related pay, bonuses and commission earnings. Where pay is linked to the achievement of performance targets it may be necessary to adjust such targets to take account of the reduced time the representative has to achieve the desired performance.

The code of practice also states that it is the responsibility of the employer to ensure that there is adequate cover for reps taking time off.

Employers should ensure that, where necessary, work cover and/or work load reductions are provided when time off is required. This can include the allocation of duties to other employees, rearranging work in a different time or a reduction in workloads' (para 45)

(line managers) 'should be encouraged to take reasonable steps as necessary in the planning and management of representative's time off and the provision of cover or work load reduction taking into account the legitimate needs of reps to discharge their functions and receive training efficiently and effectively (para 54).

Arrangements for cover should be included in an agreement on time off and include 'the role of line managers in granting permission to legitimate requests...and where appropriate and practical, ensuring that adequate cover or work load reductions are provided (para 57)'."

(www.acas.org.uk/CHttpHandler.ashx?id=1128)

Access to new staff

ACAS has provided a Code of Practice on implementing those parts of the Trade Unions and Labour Relations (Consolidation) Act 1992 which relate to the disclosure of information to trade unions.

The ACAS Code of Practice defines the information that employers should disclose as that information 'without which a trade union representative would be impeded to a material extent in bargaining and which it would be in accordance with good industrial relations practice to disclose for the purpose of collective bargaining'.

The Code of Practice further urges employers and unions to reach agreement on disclosure of information:

22. Employers and trade unions should endeavour to arrive at a joint understanding of how the provisions on the disclosure of information can be implemented most effectively. They should consider what information is likely to be required, what is available and what could reasonably be made available. Consideration should also be given to the form in which the information will be presented, when it should be presented and to whom. In particular, the parties should endeavour to reach an understanding on what information could most appropriately be provided on a regular basis.

(www.acas.org.uk/media/pdf/2/q/CP02_1.pdf)

UCU argues that this should embrace the names and contact details of new starters and the provision of lists of eligible staff for the purposes of regular recruitment mailings.

UCU argues that:

- i) it impedes to a material extent a representative from conducting collective bargaining not to be able to inform all employees about the benefits of joining the union that bargains for them.
- ii) That our survey results show that it would be in accordance with good industrial relations practice in the sector to disclose such information (see below).

Further, the ACAS guidance on facilities time states that trade union representatives should be permitted time off for duties concerned with other functions related to or connected with the subjects of collective bargaining. The Code of Practice then goes on to list examples of such duties and functions as including :

(e) trade union membership or non membership. Examples could include:

- *representational arrangements*
- *any union involvement in the induction of new workers.*

(f) facilities for trade union representatives. Examples could include any agreed arrangements for the provision of:

- *accommodation*
- *equipment*
- *names of new workers to the union.*

(www.acas.org.uk/CHttpHandler.ashx?id=1128)

The Code of Practice therefore indicates that representatives may reasonably request time off for the performance of functions associated with collective bargaining including both union involvement in inductions AND in connection with the provision of names of new workers to the union.

If it is reasonable for representatives to have time off for the performance of these functions, it must be reasonable for representatives therefore to request and be granted, access to new staff and to the names of new workers.

Access to new staff in further education The new agreement with the AoC is clear that colleges should give time in the induction process for unions to meet and talk to new staff:

The College recognises that representative Trade Unions are an effective means of achieving constructive industrial relations and will therefore make new employees aware of the recognised Trade Unions within the induction process. The College should provide, within the staff induction programme, an opportunity for the recognised union representatives to explain the role of a Trade Union to new employees.

(www.ucu.org.uk/media/docs/t/c/feeng_localrecognition_dec09.doc)

**Best practice broken
down by sector**

This section draws on the results of the UCU survey of facilities time, conducted in 2009-10. It provides benchmarks for each sector and for sub-sectors, in relation to time off and access to new staff, based on established good practice.

Pre-92 universities

<i>Functions</i>	<i>Best practice</i>
Time off for trade union duties and activities	2.5 FTE specified time off distributed by the branch to its key reps with funds provided to individual departments to buy in teaching or administrative cover Additional reasonable time off for all department reps
Access to new staff	15 minute slot at all staff inductions, usually monthly Lists of all new starters each month

Post-92 universities

<i>Functions</i>	<i>Best practice</i>
Time off for trade union duties and activities	3.1 FTE specified time off, expressed either as a percentage of total working hours or formal teaching hours to buy in cover, distributed freely by the branch executive to its officers and reps
Access to new staff	Invited to all inductions and given a slot to talk to new staff Given monthly lists of new joiners regularly Given full academic staff lists on request

Further education

<i>Functions</i>	<i>Best practice</i>
Time off for trade union duties and activities	1 FTE of time off for trade union duties Branch committee to distribute time off as it pleases
Access to new staff	Invited to every induction and given a 15 minute slot to talk about UCU Lists of joiners and leavers provided on monthly basis All staff emails permitted on occasional request

- 1 Where it was not clearly expressed in these terms, a FTE was calculated against a nominal working week of 35 hours.
- 2 Here and throughout, time off refers to remission from all duties, including teaching duties. It is important that time off includes time off teaching, as well as any other duties such as research or administration.
- 3 A Full Time Equivalent was calculated by comparing the hours allocated against the post-92 national contract's weekly maximum teaching of 18 hours and annual teaching maximum of 550 hours.
- 4 FTEs are expressed either as a percentage of an 850 hour teaching year or as a percentage of a 24 hour teaching week or a 35 hour working week. This is due to a problem in distinguishing types of time off within the description 'x hours per week'. Where it is clear that a teaching week is being referred to the FTE calculation is taken from a 24 hour week. Elsewhere, it has been necessary to produce two versions of the data to allow for error.

Since the passage of the Data Protection Act 1998, release of an individual's personal information is prohibited except in certain circumstances. Some UCU branches and LAs receive details of new starters and indeed all employees, to assist recruitment but others do not. Indeed some employers claim that providing such information is prohibited due to the Data Protection Act.

This branch circular outlines circumstances where an employee's details can be released to the trade union in order to enable recruitment.

It is important, where any resistance from employers is anticipated, that this advice is adhered to when requesting data from the employer. If the following points are met then the employer will not be breaching the Act and should be able to release information such as names about an individual in order to help increase union recruitment. Please note the following:

- UCU must be the recognised trade union
- the information must only be used for recruitment.

This will mean that you must observe the Data Protection Act 1998 yourself when holding information, destroying information once it is no longer necessary to hold it eg when an employee leaves the organisation or the union.

■ **Each employee must have been notified by the employer that this will happen.**

We would suggest that you notify all employees in writing. Many employers will distribute the letters on your behalf and we have included a draft that they or you can use in this pack.

It's important to set out carefully exactly what information will be passed on. You should also ensure that the letter contains your contact details in case the employee wishes to make comments, ask questions or opt out.

■ **Once notified, the employee has sufficient opportunity to object to have his/her information released.**

It is important to give enough notice, we would suggest 28 days to allow those who are on leave to respond. It is also vital that you check that those workers who are on sick leave, parental, maternity, adoption and paternity leave are sent the letter. You must state clear details of how the worker can opt-out.

■ **Does the Freedom of Information Act overlap with the Data Protection Act?**

The Freedom of Information Act does not cover information that falls under the access regime of the Data Protection Act 1998. The Data Protection Act covers data relating to identifiable living individuals ('personal data') and gives any person the right of access to personal data held about them. Any UCU member can ask what personal information is held about them and the employer must tell the member what sort of data is held, the purposes for which the data is processed and the type of organisation or people to whom the data may be disclosed. Requests for access to personal data held by the university or college must, however, be made by the data subject him/herself.

Some employers have resisted release of data to trade unions even when the above requirements have all been met citing the DPA 98 as a reason not to disclose.

We have an assurance from the Information Commissioner that as long as the above is met the employer is not in breach of the DPA.

The union Your starting point should be your UCU regional official, who can assist you with framing a claim and provide advice on any difficulties you encounter.

As above, if you find yourself having to build a campaign around facilities time, you can get support from your regional committee and regional office, but you can also get support from the national campaigns team. This is tasked with providing national level campaigning and organising support for the NOP priority areas. It can help you with producing campaigns advice, as well as a large range of campaign resources such as posters, leaflets or newsletters.

You can contact the national campaigns team at campaigns@ucu.org.uk.

Legislation The full text of the Trade Union and Labour Relations (Consolidation) Act 1992 can be read here:

www.opsi.gov.uk/ACTS/acts1992/ukpga_19920052_en_1

ACAS The updated ACAS Code of Practice on time off is available here:

www.acas.org.uk/CHttpHandler.ashx?id=1128

The ACAS Code of Practice in Disclosure of Information can be downloaded here:

www.acas.org.uk/media/pdf/2/q/CP02_1.pdf

Sectoral guidance The joint unions' agreement with the AoC in further education can be downloaded here:

www.ucu.org.uk/media/docs/t/c/feeng_localrecognition_dec09.doc

I support my UCU reps

■ UCU reps work hard to solve problems in our workplace.

■ We're calling on management to give them the time to do their job.

“There are positive benefits for employers, for employees and for union members in encouraging the efficient performance of union representatives’ work...In order to perform effectively union representatives need reasonable paid time off from their job”.

ACAS Code of Practice on Time off for Trade Union Duties

Join the campaign for a stronger union.

Put one of these posters on your door.

Not a member yet? Join now:

www.ucu.org.uk/join

UCU

University and College Union

Support Your UCU Reps

■ Time off
for trade
union reps:

it's time
dedicated
to YOU.

Time for trade union duties is NOT time off. It's time spent on listening to your problems and issues, dealing with your grievances, accompanying you to meetings with managers, preparing your case, reading up on policies and best practices, negotiating with employers, communicating with members, telling management what you think, attending training etc, etc, etc...

- You expect the best support from your reps and your reps need adequate time off from their other duties to help you.
- UCU is campaigning to ensure that reps get more time off and better facilities.
- But we can't do it without your help.
- If you want a strong UCU, get behind your reps.

“There are positive benefits for employers, for employees and for union members in encouraging the efficient performance of union representatives’ work...In order to perform effectively union representatives need reasonable paid time off from their job”.

ACAS Code of Practice on Time off for Trade Union Duties

WHAT YOU CAN DO:

- Put up a poster saying ‘I support my UCU reps’
- Sign our petition to management calling for more time off for your reps

Not a member? Join the union that's defending education.

Join UCU now: www.ucu.org.uk/join

UCU

University and College Union

If your branch does not already receive regular lists of staff and lists of leavers and joiners from your management, you can use this letter. This asks for a complete list of staff, monthly lists of new joiners and leavers, access to inductions and the inclusion of union literature in institutional induction packs. This can be adapted to reflect local situations.

Recipient's name

Job Title

University

Address

Date

Dear xxxxx

Disclosure of information to UCU for Collective Bargaining

I am writing to you on behalf of the xxx UCU branch/Local Association committee to ask if it would be possible for you to provide us with information about the staff that we represent on a regular basis. This information would help us to improve our effectiveness in representing these staff. I know that you appreciate the benefits of trade union representation in ensuring a positive industrial relations environment and I am sure you will wish to help us to improve our services to college/university staff.

I know that you will need to compile aggregate data about university staff for the purposes of equal opportunities monitoring. We are also concerned to ensure that the UCU represents the full diversity of staff at the college/university. We would therefore be grateful if you could provide us with information about the number of academic and academic-related staff/lecturing staff employed by the college/university, as well as the numbers by each department broken down by grade, race, gender and contract type (fixed-term, permanent, part-time, full-time, hourly paid etc).

It would also be very helpful to us if you could provide us with a full list of current academic and academic-related staff/lecturing staff employed by the college/university, including the following information: name, department name, department address, grade, gender and contract type. We would like to receive a list of all staff on a regular basis, twice a year.

In addition, we would like to receive a monthly list of new staff who have entered the employment of the college/university and of staff who have left the employment of the college/university. We would like to receive these lists in electronic form. The provision of these lists is standard practice at many colleges/universities. Please let me know if you foresee any difficulty in providing us with this information.

In the further interests of creating a positive industrial relations environment, we would like to request attendance at all staff induction events, supported by paid leave for representatives to attend. We would also like to include UCU literature with induction materials issued by the college/university to new staff.

I would be very happy to discuss with you how this can most practically be accomplished. I look forward to hearing from you. You can contact me by email at e-mail address or by telephone at extension number xx.

Thank you,

Yours sincerely,

Name and contact information

Some branches find that employers attempt to cite the Data Protection Act as a reason for not disclosing contact details of staff. The enclosed letter refers to the stipulations of the act and argues the union's case. In particular, it refers to the specific guidance on this matter issued by the Information Commissioner, which only requires that staff are given an opportunity to object before non-sensitive data, including names, workplaces and contact details can be passed on to trade unions for the purposes of recruiting.

Recipient's name

Job Title

University

Address

Date

Dear xxxxx

Disclosure of information to UCU for Collective Bargaining

You will be aware that on several occasions UCU has requested a list of names of academic (and related) staff at the University. There appears to be some confusion as to what exactly it is we require and whether we are entitled to it. Following advice from the national union, we wish to clarify our rights to the information.

We require this list for the purposes of recruiting those people to UCU. Under the Trade Union and Labour Relations (Consolidation) Act 1992, we as an independent trade union have rights to the information; with the only proviso being, prior to the release of the names, people have been given the opportunity to object.'

Specifically to ensure compliance with the Data Protection Act 1998, the employer should only 'supply personal information about workers to a trade union for its recruitment purposes if:

- The trade union is recognised by the employer
- The information is limited to that necessary to enable a recruitment approach, and
- Each worker has been previously told that this will happen and has been given a clear opportunity to object.'

(Paragraph 2.11.3 of the Employment Practices Code issued by the Information Commissioner)

Therefore, UCU would propose, in accordance with the guidance from the Information Commissioner, that you contact all staff, including part-time and hourly paid staff to advise them of our request and then provide the information (less any objections) to us by the end of (insert date).

Additionally it would be preferable if you could provide this list in an electronic format.

I look forward to receiving the information.

Yours sincerely

Name and contact information

This letter is a form of words that we suggest the employer can use to approach staff concerning the passing of their details to the union. It allows for a 28 day period within which staff can object whereupon they will have their details removed from any list passed to the union.

Branches are strongly recommended to attempt to secure agreement that union promotional literature, including an application form or a link to online joining is included with this communication.

Dear colleague

I am writing to you because the University and College Union has approached us regarding the possibility of writing to you to invite you to join.

UCU is the recognised trade union for academic and academic-related staff (delete as necessary) at XXXX College/University.

We welcome and encourage trade union membership and accordingly, we propose to provide basic non-sensitive staff information to the union for the purposes of recruiting. This will include name, department and contact details, but no information classified as sensitive.

If you object to us passing these details to the UCU, please will you indicate to this effect within 28 days by emailing/writing to XXXXX.

Name and contact information

This letter is for branches to use in situations where they have been unable to obtain agreements with management over staff lists but they have been able to compile a staff list from publicly available web sources. To be clear, this does not mean a staff intranet, but a website that can be accessed from outside the institution.

This letter can be used as an initial approach. Because it is in email form, the DPA requires that staff approached positively 'opt-in' to being approached with a standard recruitment letter (see page 26). However, while this will produce a smaller recruitment 'pool', it can still be useful as long as links to information and to online joining are included.

Dear colleague,

We are writing to you as a member of staff at XXXX institution on behalf of the University and College Union.

UCU is the recognised trade union for academic and academic-related staff (*delete as necessary*) at XXXX College/University.

We have obtained your contact details via publicly available information sources and we are writing to you because we would like to encourage you to join the 120,000 of your colleagues who are members of UCU.

If you are happy to be contacted by us, please respond to this email or you can join online at <http://joinonline.ucu.org.uk>.

If you do NOT want to be contacted again, you do not have to respond to this email.

We will not contact you again and will remove you from our records.

Find out more about UCU at www.ucu.org.uk.

Name and contact information

This letter is a hard copy letter for branches to use in the case where it has been possible to compile a staff list from publicly available web sources. Because it is hard copy, the Data Protection Act allows that staff approached in such a way have to 'opt-out' within a reasonable time. This is a slower and slightly more laborious route, but will create a larger recruitment pool.

The differences between the email and hard copy letter reflect the various obligations on employers and unions under the Data Protection Act. In practice, branches can use a combination of these approaches as appropriate.

Remember to include an application form with this letter!

Dear colleague,

We are writing to you as a member of staff at XXXX institution on behalf of the University and College Union.

UCU is the recognised trade union for academic and academic-related staff (*delete as necessary*) at XXXX College/University.

We have obtained your contact details via publicly available information sources and we are writing to you because we would like to encourage you to join the 120,000 of your colleagues who are members of UCU.

We would like to write to you with information and an invitation to join UCU.

If you do NOT wish to be contacted again, please write to us or email XXXXX to indicate this within 28 days. If we hear from you, we will not contact you again and will remove you from our records.

Find out more about UCU at www.ucu.org.uk.

Name and contact information

This is a letter to all staff for whom the employer has provided contact details as part of an agreement, or where consent has been indicated via one or other of the routes indicated above.

Dear Colleague,

We would like to invite you to join the University and College Union. UCU is the nationally recognised body representing professionals in higher and further education. We are the representative voice for academic and academic-related/lecturing and learning support staff at *(name of institution)*. More than 120,000 of your colleagues in tertiary education are UCU members. Here are just some of the reasons why:

UCU – your voice in the world of tertiary education

Being a member of UCU means having a voice in an organisation that negotiates pay and conditions for all further and higher education staff. At a time when the cost of living is rising and pay is being held down across the public sector, UCU is fighting to ensure that you and your colleagues get a better deal.

We also lobby policy-makers at a national level. As policy-makers attempt to reshape education to make it more business-friendly, there has never been a more important time to ensure that the voice of the professionals who deliver world-class education is not lost. The more members we have, the stronger our collective voice will be.

UCU – your voice at (name of Institution)

Here at (Name of Institution) we represent the collective interests of our members and work to ensure that you get a fair deal from the university/college. *(insert examples of local work)*

UCU – protection at work

Being a UCU member means never having to face a workplace problem alone. Our members have access to advice and representation provided by our local association/branch, with additional support from the UCU's regional and national resources, including access to the best legal advice available. But we can only help you if you are a member.

Join UCU now

Any union is only as strong as its members. Whether locally or nationally, our influence grows as more people join and the more people who play an active role in the life of our union, the more powerful we will become.

You can join now by contacting us *(name of branch contact)* or you can join online now at www.ucu.org.uk/join

Yours sincerely,

Name and contact information

Staff inductions are a key opportunity for us to get early access to staff beginning their careers or joining your institution. Branches should ensure that where they have access to these inductions, a representative is always sent to talk to new joiners. Where no agreement has been reached, branches should look to negotiate this as part of its wider access to staff information and facilities agreements.

Many branch officers will have attended inductions before, but many will not. This template can be used as a starting point to help you put together a presentation on the union for new staff.

University and College Union

(Hand out a UCU attendance form and give them a few minutes to write their details on it and pass it around before you begin talking)

My name is _____ and I'm the *(insert role held)* here at *(name of Institution)* local association/branch of University and College Union. I'm employed by *(name of institution)*, however my union role is to represent the views of UCU members at work. The majority of union work that is carried out by the local association/branch is done by members who like me and you, are employees of the university/college.

INTRODUCTION TO THE *(name of Institution)*

UCU represents academic and related staff within further and higher education throughout the UK and we have approximately 120,000 members. Our UCU local association/branch here at *(name of institution)* has a large and growing membership which we would like to invite you to join today.

Members of staff at *(name of institution)* are represented by several trade unions: *(insert or delete other unions with members at your workplace)*

UCU represents academic and related/lecturing and learning support staff. All the unions are either formally or informally recognised by management, which means that we negotiate collectively for improvements on pay and terms and conditions.

SO WHO DO WE REPRESENT?

Members of staff eligible to join UCU include:

- academic lecturers/tutors
- researchers including clinical research
- administrative/management staff
- computer and IT staff
- library staff
- postgraduates
- learning support staff

We represent members whose contracts are:

- permanent
- full time
- part time
- hourly paid
- agency staff

SO, WHAT DOES IT COST?

UCU operates a sliding scale for membership fees so you pay fees in relation to your salary. Full details are included on the application form and range from as little as approximately £4 per month to approximately £17 per month maximum.

SO, WHAT DO I GET FOR MY MONEY?

Nationally, UCU campaigns hard for better pay and conditions for our sectors. At a time when the cost of living is rising sharply, we are fighting hard to ensure that staff get a better deal. And we are also campaigning to end casualisation and to defend education against privatisation.

Locally, our branch has won significant gains for staff here at *(name of institution)*: *(insert example of local work)*

We play a key role in supporting members here every day and ensuring that the institution respects their collective interests: *(insert example of ongoing work, such as job evaluation, continuing Professional development etc)*

In addition to collective bargaining, experienced and trained local association/branch officers regularly help individual members with workplace issues. This includes advice, guidance and representation with work related issues. If you're a UCU member and you have a workplace problem, you don't have to face it alone.

UCU also offer personal legal advice and a raft of other benefits, details of which can be found at www.ucu.org.uk

SO, WHY SHOULD I SUPPORT MY BRANCH/LOCAL ASSOCIATION?

Trade unions are not just there when something goes wrong. Trade unions campaign on a range of issues and are listened to both by the government and employers.

Evidence shows that staff enjoy better working conditions in workplaces where they have a recognised trade union negotiating on their behalf. Employers know that staff morale and commitment are improved when staff are well treated, respected and listened to.

Everything we achieve in the union, locally and nationally, is down to the fact that we have a strong and vibrant membership here at *(name of institution)*. In addition, we have a team of dedicated branch officers and representatives who work hard for and with members to ensure our terms and conditions are protected and continuously improved.

The local association/branch is, as I've said run by its members for its members. If you would like more information on how you can support UCU at *(name of institution)* please contact either myself or *(name and contact details for someone else who is active in the local association/branch)*.

Thanks for taking the time to listen.

If you haven't filled in the attendance form please do so now – any questions?

(hand out UCU application forms and UCU pens at this point and make sure you collect the attendance form as you can use the information people have put on there to follow them up at another time)

In addition to providing this pack, the National Campaigns, Organising and Recruitment Team at headquarters can give extra support to branches wishing to undertake local recruitment activity.

If you receive a complete staff list from management, or are able to compile one from public sources (ie, a publicly accessible website, not a staff intranet), you can cross check it against your membership records or send it to us and we will cross-reference it with the membership database.

This will then provide you with a 'map' of your workplace, showing you where your potential members are.

However, if you do this, it is still very important that staff are still given the opportunity to object to having their data used for recruitment purposes, as soon as possible after their data is given to you and definitely prior to any recruitment being attempted.

In this case, you should make an approach using one or other of the methods and letters outlined above and then remove anyone who objects from your records.

One option open to branches is to ask for central support for a mailshot to potential members. The National Campaigns Team welcomes approaches from branches for this activity and will consider all requests.

Experience also shows that personal follow-up of such mailshots is even more effective. You will be able to use the 'map' we send you to conduct targeted recruitment activity, such as stalls, meetings or door-knocking. You can find a huge range of materials to help you with this activity on the Developing Activists Network website at www.ucu.org.uk/dan

If you have any questions about any of this, please contact the Campaigns Team at campaigns@ucu.org.uk.