



The Reps' Handbook

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Introduction

This handbook has been produced to help UCU reps perform their vital role.

The advice contained in this handbook draws on materials from our training programme, from our many resources for reps and also on the comments and tips provided by our many existing reps.

We have produced this handbook because we recognise the critical importance of the rep. It's a cliché but it is true nonetheless that the rep is the lifeblood of our organisation. Without you, we would simply cease to function.

As our bargaining environment becomes increasingly localised, the demands on reps are greater than ever and we have tried to cover the full range of duties that reps can be called on to perform. However, this is not an exhaustive guide. It is, we hope, a useful resource, to be turned to by reps in the course of their work and a signpost to other sources of more detailed information.

Ultimately, there is no substitute for training. As education professionals we all know that whether it's the first time or whether you are refreshing your skills and knowledge, training is vital. You can find information on our excellent national training programme in this guide.

1

The role of the UCU rep and the workplace

When you become a UCU local rep you become a vital part of the organisation, arguably playing its most important role.

This can be indexed in the difference that reps make to the way UCU is perceived by our members. The Waddington report into members' views of the union, commissioned in 2007, showed that wherever there is a local representative, UCU is viewed more favourably and seen to be more effective on every issue, than where a rep is absent.

The role of the UCU rep can encompass a wide range of activities.

TASKS PERFORMED BY REPS

- Distributing union information to local members
- Feeding information on local issues to branch, regional and national officers
- Meeting members
- Accompanying members in meetings with managers
- Organising members meetings
- Communicating with members on local issues
- Recruiting new members

KEY ACTIVITIES FOR UCU REPS

1 First point of contact for members

For members, the rep is the public face of the union and the first person that they see or turn to when there is a problem: problem-solving is a lot of what reps do. In practice, this can mean mediating in a dispute between two members, talking informally to a line manager, helping a member to submit a written grievance, accompanying a member to a formal meeting with management or referring a problem to the branch committee. It's important to have a good understanding of the issues members are facing in your direct workplace, so it's also important to meet as a group regularly. This helps bring to light collective issues that might present themselves in an individual form.

You can find much more on this role in chapter 2 of this handbook (see page 7).

2 Vital communications link in the organisation

As a UCU rep you are a vital source of information for every part of the organisation. For members you are often one of the main ways they find out about things happening in your institution. For branches, you are a vital source of information about local issues as well as a critical medium for the branch to get messages to members quickly. For regional officers and for UCU head office, local reps are a vital resource in helping to build up bigger pictures about local industrial or professional issues. And reps are one of the quickest ways in which regional and national officers can be sure of getting information to members.

Each level of the organisation has its own means of communicating with members. Many reps

produce their own email updates to members. The best branches make sure that they communicate regularly, often weekly, with members, sometimes using local reps. Regular meetings with reps can be enormously helpful for branches in finding out about and mapping local issues.

UCU's Campaigns Team publishes two regular communications that you as a rep should receive regularly:

- The Campaigns Update email, which comes out every Friday. You will probably receive this from your branch officers.
- e-News for Reps which is issued every month. If you do not receive e-News for reps, contact mwhelton@ucu.org.uk.

You can find out more about UCU publications and communications in chapter 4 (page 17).

3. Organiser in the workplace

As a rep, you also play a key role in making the branch and the union stronger. It's often quite easy to see the role of the rep in a way that makes it feel that you are the union. It can be easy to forget that our strength comes from our ability to say to management, with confidence, that we speak for our members and for staff more broadly. That means being active in talking to members. Crucially, it means talking to staff and making the case for them to join UCU. It also means identifying a new generation of people to become reps and active members of UCU.

You can find out much more about how to do this in chapter 3 (see page 11).

TOP TIPS FOR NEW REPS

Make sure you gather basic information when you start

You will need some basic information to keep you informed. Ideally, you should have inherited a file or folder from a previous rep. Where this information is missing or not available, you may need to collate information. Where you are unable to get the information from anywhere else try your personnel office, especially for local policies and procedures and agreements. Below is a summary of the information you will need. Make sure you have:

- Copies of your disciplinary and grievance procedures
- Copy of your recognition and/or facilities agreement
- Copies of any other union agreements e.g. health and safety, equal opportunities, union learning
- A copy of management policies and procedures, which may be in the form of a handbook or simply a collection of staffing procedures
- any standard employment contracts that management may issue from time to time
- UCU toolkits and other information available in the UCU activists section of the union's website: www.ucu.org.uk/resources.
- You should also be aware of the relevant national agreements UCU has negotiated in HE and FE.

These agreements cover a wide range of areas including grievance, disciplinary and consultation over change. They can be found on the UCU website too.

Make contact with other reps

There should be other UCU reps in the branch who meet regularly. You should attend meetings or, if they don't occur regularly, ask your branch for a list of reps and make contact with them yourself.

There will almost certainly be at least one other union in your workplace. UCU encourages its reps to work positively with other unions.

Find out where and when union activities take place

You should try to find out when and where:

- the local UCU committee meets
- members or department meetings are held
- joint union meetings are held
- meetings with management take place, such as a joint consultative meeting or health and safety consultative meeting.

Your branch should be able to tell you all of these.

Make sure the union is visible in your workplace

It's important to make sure that members know you are the rep and that the union is present in their workplace. Here are some ideas:

- Introduce yourself to your colleagues as the new UCU rep. Talking to them is the best way to begin your role.
- Keep union bulletin boards up to date with the latest information about meetings, union publications, developments in your institution and important agreements.
- Make sure you put up union posters wherever possible and have a store of application forms or leaflets to hand.
- You can access and download lots of resources for reps, including posters and recruitment leaflets, as well as ordering union promotional merchandise by accessing this page of the union website: www.ucu.org.uk/resources; or email campaigns@ucu.org.uk.

Don't worry about not knowing everything

Being a new rep may seem a bit daunting. You can feel overwhelmed by how much there is to know. But remember that an old rep is just a new rep who's been doing it for a while. And no rep knows everything they will ever be asked. Your members are more interested in you being honest with them than having all the answers.

If you are asked something you don't know the answer to, don't guess or improvise. Say that you will get back to them and try to find out.

Your branch or other reps should be able to help, but UCU also runs an online support centre, answering frequently asked questions, which you can access here: <https://ucu.custhelp.com>.

Important: you are protected against victimisation

Members of trade unions have a right not to be victimised for trade union activity. The Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A) and subsequent court decisions give trade union members protection from being:

- victimised on the basis of trade union activity
- refused work on the basis of union membership
- dismissed on the grounds of union membership
- chosen for redundancy because of union membership
- dismissed because of union activity in previous jobs.

UCU takes discrimination against union members and representatives seriously and will actively pursue all protections under the law. However the best protection is to have the support and backing of a well-organised branch. The active support of your colleagues is important because it also acts as a powerful preventative measure.

2

Representing members

As we saw earlier, a key role of a UCU rep is dealing with members' problems in the workplace.

The majority of members join UCU because they want good pay and terms and conditions and they want to know that they will be supported if there is a problem in the workplace. That means that members will see the local rep as the face of the union and the first point of contact.

Commonly, members contact reps in relation to grievances they have with management or threats of disciplinary action. You will be the first contact they have with the union. It may be that the problem needs to be passed on to others but because you are the first port of call, it's important that you feel confident in dealing with the first meeting.

TIPS FOR MEETING MEMBERS

1 Make sure you are aware of your institution's policies and procedures

The agreed policies and procedures of the institution are a vital resource for reps. You may have to represent a member in an informal or formal meeting and it will be important to be able to check that management are not infringing any agreed procedures or policies. You can usually access these via your branch or via your Personnel or Human Resources department.

2 Take some time to prepare for meeting a member

A member seeking the union's support could be distressed, anxious or angry so it's worth making sure you are prepared. You may need to give them some time at the beginning of the interview to get things off their chest, without interrupting. Allowing this opportunity will save time later in the interview as it helps them to calm down, allowing you to sort out the facts. Make sure you:

- Find a quiet place for the interview where you will not be interrupted.
- Ask questions in a sympathetic manner and don't appear to cross-examine or be judgmental.
- Respect the member's wish for confidentiality and reassure them that you will keep their confidence—ask for permission if you intend to take a colleague along. If it is an equal opportunities or race or sex discrimination issue for example, you will want to involve the relevant branch officer from the beginning.
- Put the member at ease, and do not necessarily expect a coherent story. Above all, be patient.
- Take detailed notes so that you feel confident that you have all the pertinent facts.

3 Make sure you have copies of all appropriate documents

There may be supporting documents you can use as evidence/support in your member's case, e.g. correspondence, a diary of incidents, contract, etc. Make sure you obtain these and have their permission to make copies.

4 At the end of the interview...

- Ask the member to write out a statement of the case—explain that you will now undertake wider investigation as speedily as possible

- Avoid an opinion of possible outcome at this stage: it is not always easy to maintain the necessary degree of professional detachment, but bear in mind that as yet you only know part of the story.
- If the member is doing no more than seeking information, you may need to seek the answers elsewhere or direct the member to the appropriate agency if it is not a trade union issue—in any event make a firm arrangement to report back.

COMMON ISSUES FOR REPS

Below we have identified some common issues and themes that arise from representing members in the modern workplace.

Disciplinary issues

A disciplinary issue is where management raises an issue with an employee about their conduct. The issue can be anything to do with the work of the employee including lateness, general performance, dishonesty, harassment or breach of policy. The disciplinary action can range from an informal mention of the issue, through to formal warnings and dismissals.

Dealing with a disciplinary issue can often be a defensive action that at least initially involves avoiding a sanction. However disciplinary issues may throw up other issues. For example a breach of policy may be due to the employer inadequately publicising the policy, and poor performance may be due to lack of support or clear direction from the employer. Being on the lookout for positive remedies to disciplinary action is one of the best ways to avoid sanction.

Grievances

A grievance is where an employee raises an issue with management. Examples include proposed changes to contract, discrimination or harassment, workload and stress. Grievances should be positive actions, taken by workers to solve an issue, not just to highlight a problem.

Disciplinary issues usually only directly involve one person. In rare cases, such as a group of people involved in a theft or harassment, disciplinary action may be taken simultaneously against more than one person. Disciplinary cases are almost always dealt with individually. Where they involve more than one person often a series of individual hearings will be held.

Grievances, however, can be taken either individually or collectively. Wherever possible, grievances should be taken collectively to increase bargaining power.

The procedure for dealing with grievance and disciplinary issues is usually contained in an agreement with the union or in a management policy. Grievances tend to be dealt with, at least initially, by meetings with management. Your aim in these meetings is to convince management of the merits of taking your recommended action, or at least to open negotiations. Disciplinary issues tend to be dealt with formally and often result in a hearing of some sort.

Collective issues

One of the big advantages of organising regular meetings with members in your workplace is that you can quickly identify collective issues.

If you are able to identify a collective issue out of individual complaints that can be traced to a particular management approach, for example, it is likely that the union can win a fairer, more equitable solution that has a greater impact on more people. It's also significantly less work than representing ten individuals.

Conflicts of interest

This is a common problem for reps. An example might be where one member raises a grievance or is subject to a disciplinary charge and the other party is also a member. However, it may also arise when, for example, the union representative (or the union) has an interest (direct or indirect) in the outcome of the dispute, eg if the disciplined member is dismissed the subsequent vacancy may be one for which the union representative can apply, or has a close friendship or family connection with one of the parties.

A conflict of interest may be actual (ie exists now) or potential (ie may arise in the future). It may also arise where there is a perception of a divergent interest, even though no such divergence actually exists.

If you believe there is a conflict between a member and UCU, please seek advice from your regional office.

Dealing with a member who has no case

In some instances you may feel there is no case for the union to support. In this case you must tell the members so, explaining your reasons tactfully. You are doing no one a favour by pretending you could make a case stand up under strong management probing if you actually think it will not. It can be difficult for a member to hear but if you are able to explain clearly why you have come to your decision, members will come to respect your honesty.

Examples might include genuine redundancies where management has followed the procedures or refusing study leave where policy is clear that management have discretionary powers.

When this occurs it is important to acknowledge that you can understand the member's anger and that they may have been harshly treated. It is important to avoid implying that you think their case is not worthy or that they are over-reacting.

Some problems will have no procedural or legal remedy but may have some strength on the basis of taking collective action. If you are going to suggest this to members it is critical to make clear to them that they will need widespread support if this is to have a chance of success. Getting a member to rally support of their colleagues can turn a hopeless individual case into a successful collective one.

TIPS ON REPRESENTING MEMBERS

- Find out if there is anyone else with a similar case. Collective grievances are much more powerful than individual ones.
- Don't rely on the law but where there is a clear breach of legal rights use them.
- Don't try to be a 'barrack room lawyer'. If you don't know the answers ask for advice within the branch—and if *they* don't know the answer get advice from your regional official who can access legal advice.
- In meetings, with management, try not to get sidetracked or let the manager concerned shift the case on to different territory.
- Stay focussed on the issues you have highlighted in your original correspondence.
- Wherever possible keep records of all contact including emails. This ensures you have accurate files of the case at each point.
- Keep either a paper or email folder for each of your cases and keep all correspondence you receive.
- Insist that in any meetings, the case you are working with is supported by a union member.
- Discuss tactics prior to any meetings and decide what issues you want to cover and who will make the representations.
- If you are not sure how to respond or are unhappy with how a meeting is going, ask for an adjournment to discuss the situation with the member concerned.

3

Recruiting new members

Recruitment is absolutely essential to the union at every level.

As a representative institution, our ability to compel employers to listen to us depends on how credible are our claims to speak for staff. If we walk into negotiations as a union representing more than 50% of the workforce, we are more credible than if we claim to speak for staff while really representing only 25%.

WHY SHOULD REPS RECRUIT?

What's true for your institution is true for you as a rep. Your ability to get things done when problems arise depends on how credible a voice you are for staff. So it's vital that reps build the sources of their power and make sure they are actively recruiting members.

Fortunately, the rep is also probably the best person to recruit their colleagues. As we saw earlier, for many members the rep is the local face of the union and the first person they think of. Having a local rep makes a big difference to how we are perceived, improving the reputation of UCU.

Recruiting members can be undertaken in a variety of different ways. In the best branches, recruitment is treated seriously and systematically at branch level, while local reps regularly engage in local recruitment activities.

WHAT YOUR BRANCH SHOULD BE DOING

Discussing recruitment and membership figures at each branch committee meeting

It's really important that the committee takes recruitment seriously. It should be a standing item on the committee agenda. Your branch should ensure that it is trying to do the basics at the very least.

Embedding the importance of non-members joining into every union communication

Part of taking recruitment seriously is making sure that all union communications are also aimed at non-members, making the point that they should join, or pointing to the importance of membership strength in winning agreements.

Attending new staff inductions

New staff inductions are a great basic way to make sure that non-members hear about the union and meet a representative. It sends a good message to non-members if they see the union the moment they start their new job. New employees will always have concerns and questions about their new employment that they may not be willing to ask the HR manager! Position the union as the place to come for information, encourage people to contact you and give out your contact details.

Always hand out forms before the end of the session to give time to collect them at the end. Not having enough time to fill in the form is an excellent opportunity for some people to avoid joining.

Access to these new staff inductions is something that your branch should expect and should ask for where it is not already in place.

FIND OUT MORE You can get lots more advice on asking for this and running induction sessions

in the branch toolkit *Winning better facilities time and recruiting new members*; you can download this as a PDF file from www.ucu.org.uk/?mediaid=3011; or email campaigns@ucu.org.uk to order hard copies.

Following up new starters

Many branches get regular lists of new starters, and start dates, from management, especially at the beginning of the term or the year. This is something every branch should expect and ask management for.

Once you have these, inform the appropriate local or department rep of each person's arrival. Make sure the relevant representative contacts the new member of staff as soon as possible to introduce UCU—on the first day if possible. Use the opportunity to chat to them about their previous jobs, whether there was a union there, what your branch is doing at the moment and any ongoing issues at the institution.

FIND OUT MORE Again, you can get much more information on how to ask for lists of new starters in the branch toolkit *Winning better facilities time and recruiting new members*; you can download this from www.ucu.org.uk/?mediaid=3011; or email campaigns@ucu.org.uk to order hard copies.

Don't forget that lecturers from other institutions who are UCU members will need to be transferred into your branch. Don't leave it to chance or rely on them to do it. Contact the office to inform them—they will be the easiest members you ever recruit.

Run recruitment campaigns

Many branches run specific recruitment campaigns. These can be annual or termly events, or they can be run on the back of industrial successes, where the benefits of the union can be concretely highlighted. However you do it, a recruitment week can be a good way of concentrating efforts around recruitment. Over the course of the week put the spotlight on UCU; try lots of different activities to recruit new members. For example:

- Put up posters in every department.
- Send out by post or e-mail a recruitment letter to every non-member.
- Hold information stalls outside dining areas, common rooms or library entrance.
- Send members a letter asking them to recruit a friend and enclose an application form.

FIND OUT MORE You can order recruitment materials and get lots more advice on recruitment from www.ucu.org.uk/resources; or email campaigns@ucu.org.uk to order hard copies.

Information stalls

You can raise the visibility of the union and initiate conversations with potential members by holding information stalls at various times during the year outside dining areas, common rooms or the

entrance to the library. You may want to do this in collaboration with other unions. Arrange a rota for staffing the stalls during the lunchtime session. Ask passers by whether they are union members and invite non-members to join. Make sure that you have information available about other unions for those who are not eligible for UCU membership.

FIND OUT MORE You can order recruitment materials and get lots more advice on recruitment from www.ucu.org.uk/resources; or email campaigns@ucu.org.uk to order hard copies.

'Special interest' recruitment meetings

You could organise social events or informational meetings or campaign meetings for members and eligible non-members around an issue of current concern, eg casualisation, equality, workload issues etc.

Make sure that you publicise the meeting to non-members and make it clear that they are welcome. At the meeting welcome non-members; have membership materials available; circulate a sign-up sheet; and make sure that participants know what you are going to do next about the issue under discussion and how they can support you.

WHAT LOCAL REPS SHOULD BE DOING

As well as the branch treating recruitment seriously, you as a local rep should be looking to integrate it into your own activities. You should try to be as systematic about recruitment as the branch.

- Get a list of UCU members in your department or work area from your branch.
- Make a list of all the staff in your department or work area. List where they work, what their job title is and their contact details.
- Draw up a plan to visit all the non-members: get someone to help you if possible.
- Draw up a simple table to allow you to record the results.

Example of a simple recruitment 'map':

Name	Job title and other details (ie lecturer, hourly-paid etc)	Location	Date contacted	Response (took form/ will not join/ thinking about it)	Attitude and other notes
Joseph Bloggs	Lecturer	Room HUM 2.1	20/5/2011	Took application form and will think about.	Unsure, but not hostile. Says he doesn't really 'do' unions, but is worried about restructure. Visit again in a couple of days.
Josephine Bloggs	Head of Department	Room HUM 1.1	20/5/2011	Joined on the spot.	Very worried about restructure and very keen.

TIPS ON TALKING TO MEMBERS DIRECTLY

Probably the best way to persuade people to join the union is to talk to them in or around their work area. Talking to people about the UCU in their own office or in an area where they meet to drink tea or coffee is a totally different experience to recruiting at a stall, by telephone or by e-mail.

In many instances it may be easier for reps to initiate recruitment conversations if they know that person. The conversation often ends up being a discussion about what the union does and their perceptions of the union. It also gives you the opportunity to find out about their concerns, respond to any queries or objections they may have and encourage them to be active members not just passive supporters

However, not everyone feels comfortable doing this. That's why we've included some advice to help you make the case for joining UCU and also to help you structure the conversation in the best possible way.

1 Tips on conducting a recruitment conversation

Listen Begin your conversation with open questions about how the potential member feels about their work, and actively listen to what they say. They are likely to provide you with all the information you need to recruit them. As a rule of thumb, you should be listening for about two thirds of the time you are with them.

Remove barriers Consider how you present yourself to the potential member and the language you use. You need to be assertive and clear in your arguments, but not so pushy that you frighten them off. You should avoid union jargon and illustrate your argument with real life examples of how the union has been effective in the workplace.

Focus on the issue You should already have identified the main issues that affect people in your workplace. They will tend to be the issues people talk about. Try to find out what the potential member feels about the issues so that you can introduce the union's strategy for dealing with them into the conversation.

Deal with objections Be prepared to talk knowledgeably about how your employer might respond to the union's strategy and to answer any objections or queries the potential member might have.

Empathise Put yourself in the potential members' shoes and try to see things from their point of view. You can also get them to empathise with you by talking about how you joined the union and became an active member including your experience of the union and its achievements.

Be honest To be credible you must be honest, particularly when potential members criticise the union. No large organisation can be perfect and you will not be trusted by potential members if you try to claim that the union is. Remember also that you don't need to know the answer to every question you may be asked. If you don't know the answer, promise to find out and get back to them.

2 Putting the case for joining UCU and recruiting non-members

Below are some of the commonly asked questions from non-members about joining, and suggested responses to those questions.

Q Why should I join if I get all the benefits anyway?

A UCU advice, representation and other benefits are only available to fully paid-up UCU members. While non-union staff get the benefits won by UCU members they do not get an opportunity to have input to any debate on the issues being negotiated. UCU's bargaining achievements are based on its membership strength, so the more people who join, the more UCU can achieve.

Q Will I have to take industrial action if I join?

A Industrial action is only ever taken as a last resort, and cannot take place without the consent of a majority of UCU members via a secret postal ballot. Most situations are resolved via expert UCU negotiations, supported by UCU members, long before the threat, let alone the use of industrial action is required.

Q Won't joining the trade union damage my career prospects?

A No. Trade union membership is a legal right and UCU is a recognised union. As UCU offers protection in the workplace, not joining is far more likely to damage your future career if something does go wrong.

Q What have trade unions ever achieved?

A Most of the gains made in the workplace are down to unions. Surveys show that union members are paid more on average than non-members, work in safer workplaces and are less likely to be dismissed. Without the constant work of unions there would be no annual pay rise, nor preferential pension schemes. Unions offer a voice at work, expert advice and information and protection.

Q I am an hourly paid teacher, why should I join?

A Staff on hourly paid contracts are vulnerable. Your UCU branch can represent and advise you. You need to know your rights and have the protection of the union too. Members of the UCU are campaigning for all staff to have real job security but our ability to campaign and negotiate at the local level depends on active membership interest and participation. It is extremely difficult to negotiate effectively on behalf of a group of staff who are not members.

Q I don't think I can afford to join?

A UCU membership costs around £12-13 per calendar month for a full time member of staff and much less for those who are part-time or low earners. This means national membership can cost at most about the same as buying a sandwich and drink for lunch once a week!

But the real question is: can you afford not to be a member? Not to have a say in the way your department and indeed institution is run; not to have access to expert advice, up-to-date information

and guidance; not to have access to representation, including legal representation, if things do go wrong? UCU can only help you if you are a member.

Checklist for branches

- Make recruitment an integral part of branch committee meetings
- Make sure to attend new staff induction events.
- Obtain a list of new starters and to introduce yourself to them when they join.
- If a new staff member joins from another institution and is a UCU member – make sure that they're transferred into the branch.
- Hold information stalls to raise the profile of the union
- Look at holding recruitment weeks, and look at dividing up tasks between reps, along with using it as a way to get new volunteers involved within the union

Checklist for local reps

- Make sure that you have a supply of recruitment forms to sign up new members.
- Make sure you have an up to date list of members and non-members in your team.
- Draw up a plan for visiting non-members, and for recording the results of your visit.
- Visit non-members, explaining to them the benefits of joining UCU, the difference they can make and publicise UCU successes.
- Ensuring that you receive a list of new staff, and to introduce yourself when they join.

Online joining

The quickest way to join UCU is to join online. More of our members now join online than applying to join by post. By joining online, membership will be processed quicker and it's also far easier. Potential members can join UCU online via this section of our website by entering your details and, if necessary, setting up a direct debit instruction via a secure connection. To complete your direct debit instruction, you will be asked to supply details of your bank account; if you do not wish to enter these online, you can download an application form to print out, fill in and post to us instead. To join online and further information, the website address is: www.joinonline.ucu.org.uk.

4

Communicating effectively

As noted in the introduction, the rep plays an absolutely pivotal role in making sure information flows through all levels of the union.

KEEPING YOUR MEMBERS IN THE LOOP

For members you are often one of the main ways they find out about things happening in your institution. That means that it's vital that you pass on information that comes to you from branches or from head office.

- Make sure union noticeboards are kept up to date with relevant local or national information.
- Ensure that you communicate regularly with your members – You can set up an email list and send a regular email bulletin with the most important information. Once members come to see you as an authority for relevant information, they will look out for your communications.
- Make sure that any local newsletters are distributed electronically to members.
- Make sure that non-members in your area see the union's materials. Print off newsletters, leaflets and guidance and make sure they are distributed to your common areas.

KEEPING YOUR BRANCH IN THE LOOP

As a local rep you have a key role in making sure that your branch knows what your members are thinking. If the branch is running a campaign they need to know how members or staff are responding. If a particular policy is upsetting staff in your area and you think it may have wider ramifications, your branch needs to know.

- Make sure that you meet with members as regularly as is possible to gauge their views
- Make sure they know how to contact you in your office or electronically.
- Often you need members' views quickly and it can be difficult to arrange meetings. In this case, you could run an e-consultation by emailing everyone and asking for their responses.
- Ensure that your committee is hearing from local reps. If your branch does not hold regular meetings, ask for them, or lobby for a reps coordinator who can liaise with the committee.

KEEP YOURSELF UP TO DATE

UCU regionally and nationally is a huge source of support and information for reps. The national Campaigns Team produces two regular information bulletins for reps:

- **The Campaigns Update email** This goes out every Friday to all branch officers, and should then go to all members. This is a great source of up-to-date information on campaigns that the union is running.
- **e-News for Reps** This is your dedicated monthly bulletin with links to masses of resources aimed specifically at our reps. If you do not receive e-News for reps, contact mwhelton@ucu.org.uk and we will make sure you are added to our list.

You can access a huge range of resources for reps online here: www.ucu.org.uk/resources. In addition, the further and higher education sector departments issue regular sector-specific bulletins, entitled *FE News* and *HE News* respectively. You can view all these publications and many, many more, online here: www.ucu.org.uk/publications.

KEEP HEAD OFFICE IN THE LOOP

From time to time, we ask reps for information, either through email appeals or through surveys. Or we ask for your support in publicising national campaigns. Because of your pivotal role, we rely on you to help us reach the members.

Please help us by responding to these calls. They help us maximise the impact of our campaigning and lobbying at national level.

Time off for reps

Performing the role of the rep requires that your employer recognises the need for time off.

In each branch, UCU will usually have a 'facility time' agreement. This will allow 'reasonable' paid time off and facilities to undertake union duties and attend UCU training. The amount of time granted will vary between institution, and time granted will be collectively for all notified reps within the union.

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 union 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. In general, UCU branches should have agreements which allow for:

- accommodation for meetings
- use of notice boards
- electronic communications such as email
- some paid remission from classroom teaching and preparation time for each rep
- an equipped office for undertaking UCU duties
- access to free photocopying
- use of internal post and access to pigeonholes
- paid time off for UCU union training.

FIND OUT MORE You should contact your branch to find out about your local facilities agreement in more detail.

However, below we set out the statutory basis of time off for trade union duties, under which the core role of the rep is covered.

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.

What are trade union duties?

The ACAS Code of Practice, January 2010 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.*

Payment and cover

The ACAS Code of Practice, January 2010, states 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).

FIND OUT MORE You can find out much more about union facilities in the UCU branch support pack, *Winning better facilities time and recruiting new members*; you can download this from www.ucu.org.uk/?mediaid=3011 or email campaigns@ucu.org.uk to order hard copies.

As education professionals, we know the value of genuine education and training. And as we noted earlier, this guide is no substitute for training.

Whether you are new to the job or have been a rep for years, training is vitally important. It's the fastest and most intensive way to learn or to refresh your skills.

THE UCU NATIONAL TRAINING PROGRAMME

The UCU training programme is open to all UCU reps. It is delivered on a regional basis and is therefore an ideal opportunity for reps to learn from and network with other reps from other workplaces in their region.

It is UCU policy that all new reps attend training to enable them to perform their role in supporting UCU members and the work of the UCU branch as effectively as possible. UCU has a number of different rep courses running which include:

- union representatives
- safety representatives
- learning representatives
- green representatives
- equality representatives.

To help you select a course that's right for you, you will find full information on the objectives and content for every course on the Training pages of the UCU website www.ucu.org.uk/training

How does the training work?

The majority of our training courses are structured in a modular format, ordinarily 1 module per term. Workplace activities are allocated in between modules enabling reps to put into practice some of their learning and new skills. Course content is based on trade union principles and UCU's policies. Active learning methods, such as small group discussions, problem-solving exercises, case studies, and role play, are all used as well as presentations from guest speakers. You will be provided with up-to-date information and advice available from UCU and other sources.

Time off to attend training

As a trade union rep you have a statutory entitlement* to paid time off work to attend training related to your role. We recommend that you give your line manager as much notice as possible about the time that you intend to take (we advise not less than three weeks). Dates for the UCU training programme are set in May each year for the forthcoming academic year to give branches and reps as much notice as possible.

If your request for time off is reasonable but your employer refuses to release you please speak to your branch in the first instance. It is also your employer's responsibility to organise any redistribution of work and or cover in your absence.

*in institutions where UCU is the recognised union

UCU advises that for good employee relations to prosper, employers of UCU members should observe and value the necessity of trade union training.

For more information on rights to time off to attend trade union training please go to www.acas.org.uk

How do I apply to attend?

You can register your interest in attending by registering online at www.ucu.org.uk/training, or you can apply through your regional office. Attendance at UCU courses is free, and reasonable expenses incurred through training can be claimed.

When applying to attend a course, please inform your local branch/LA committee. This is particularly important as you may need support from your branch/LA in securing your statutory rights to time-off. If you do not know who to contact in your LA/branch please contact your regional office or email training@ucu.org.uk.

7

Your branch committee

As a rep, you may also be on your branch committee, or you may want to consider running for the committee.

The branch committee is the nerve centre of the branch. It is where information from all parts of the institution should be discussed. The committee makes decisions, develops plans and co-ordinates activity between full branch meetings.

Having an effective committee is essential because it will:

- share the workload
- encourage involvement
- create a pool of ideas and experience
- produce a wider spread of ideas and skills.

COMPOSITION OF THE COMMITTEE

A functioning committee should represent the views and follow decisions made by members at their meetings. A good committee will have regular communication with local reps. There are different ways of doing this. In some colleges, all local reps sit on the committee. At bigger universities, department reps liaise with the committee through a reps coordinator.

ACTIVITY OF THE COMMITTEE

The committee should focus on activity and action and not get too bogged down in formalities and reports. If there is not much going on then committee meetings can be shorter and less frequent. The types of things that the committee could deal with include:

- raising workplace issues which impact on members
- planning and co-ordinating workplace campaigns
- discussing current negotiations with management and directing the negotiators
- discussing issues that arise and taking them up with management
- organising recruitment
- identifying potential activists and making plans to develop them
- educating members about issues in the workplace
- identifying and discussing members issues through one to one contact
- writing and distributing newsletters to keep members informed
- discussing issues that arise and taking them up with management
- allocating individual members representation work
- discussing trends in individual representation work
- receiving correspondence from UCU regional and national offices.

OFFICERS OF THE BRANCH

Model branch rules are available on the UCU website but in general, branches should try to ensure that they have a core of officers as per below:

- chair/president
- secretary
- membership secretary
- equality officer
- health and safety reps

Every branch needs to consider its own specific circumstances and may decide to have further positions, but the suggested job description for the above positions might be as follows:

Chair/president

The chair/president will chair all general meetings and all committee meetings of the branch/LA and perform such other duties as are laid upon the chair/president by any rule or are decided by the committee. In accordance with normal practice, the chair/president may, between meetings of the committee, take any action on behalf of the committee which is both urgent and necessary. Such chair's action must be reported for approval to the next committee meeting.

Secretary

The duties of the secretary are to call general and committee meetings of the branch/LA; to ensure that minutes of those meetings are kept; to organise membership circulations as the committee deems necessary; to arrange notification of local election and ballot results to all members; and to perform such other duties as are laid on the secretary by any rule or are decided by the committee. In the absence of the secretary, the secretary's duties will be performed by another officer as the committee decides.

Treasurer

The treasurer will have custody of the funds of the branch/LA and authority to make payments from them in accordance with the rules as the need arises. The treasurer's duties will be to keep the books of the branch/LA; to present the accounts of the branch/LA for auditing as necessary; to present these audited accounts to a general meeting of the branch/LA, to publish them to all members of the branch/LA, and to submit a copy forthwith to the treasurer of UCU.

Membership/recruitment secretary

The membership/recruitment secretary will be responsible for planning, coordinating and reporting back on recruitment. They should also be responsible for keeping any membership records that are necessary at local level. The membership secretary will provide membership information promptly to UCU in accordance with instructions from UCU head office or regional office to enable statutory

and rule requirements of membership records to be met. In the absence of the membership secretary, these duties will be performed by another officer as the committee decides.

Equality officer

The equality officer will:

- have knowledge of and commitment to relevant issues, and be willing to undertake training according to the needs of UCU, monitor the implementation of equality policies within the institution, and, where appropriate, encourage and support local negotiations on equality matters
- monitor the volume and nature of personal casework which involves equality issues to ensure that the branch/LA has appropriate mechanisms in place for handling such cases.
- where appropriate, provide information, encouragement and support to members about equality issues
- ensure that UCU's national annual meetings, and any other relevant events and opportunities for women, black members, lesbian, gay, bisexual and transgender members and disabled members are publicised locally, that members from all groups are encouraged to participate, and that the branch/LA maximises the opportunities for recruitment and organisation amongst all groups.

Health & safety representatives

Health & safety reps are unique in having a detailed basic statutory framework of functions and rights outlined for them, which derive from the fact that their trade union is formally recognised by the employer. These rights and functions are supported by a number of absolute (ie unqualified) duties on the employer, including:

- a duty to allow safety reps time off, with pay during working hours to undertake their functions
- a duty to allow safety reps time off (as above) to undergo training in their functions approved by UCU or the TUC
- a duty to provide such facilities and assistance as the reps reasonably require to help them undertake their functions (note: the 'reasonableness' test relates to the rep's needs, NOT to restrict what the employer has to provide)
- a duty to consult in good time with safety reps on a range of matters.

It is crucial to explore ways in which more members can be drawn into playing a role, however small, in the work of the branch. The most important way of doing this may be to develop as many local reps as possible—even if some of these members initially act more as publicity officers for the union who also flag up concerns, rather than fully fledged reps. New reps need to be nurtured and branches might consider a 'buddy' system for new reps.

8

Our rights at work

When members contact you or have a problem at work, they, and you, immediately want to know what their rights are.

Our rights in the workplace have a range of sources, including legislation, local agreements, management policies and contracts of employment.

Each of the rights currently enjoyed have been won and defended by either the whole union movement or UCU at national, regional or local level. Employment rights are fragile and workers and unions need to defend them. Legal rights change with acts of parliament. Local agreements can be eroded by hostile employers, or fall into disuse, where local branches become inactive. The rights themselves exist, and will only continue to exist, if we use, protect and enforce them.

Here we summarise the main sources of rights with advice on where to get more information on each.

LEGISLATION

A number of pieces of legislation make provisions for basic rights for workers and regulate trade union activities. This legislation sets out basic minima covering most workers in most workplaces. Where your employer fails to provide you with the legal basics you may be able to take a case to an industrial tribunal or court to enforce your rights. However, because the law is written broadly its application may vary with different circumstances.

The decisions of judges in court cases establish how laws are to be interpreted in different circumstances. However, just because a judge makes a decision does not mean it is a certainty because the circumstances in any two cases are never identical. Additionally, any judge's decision may be over turned on appeal by another judge in a higher court.

When taking a case to court the remedy is also important. Just because you win an unfair dismissal case does not necessarily mean you will get your job back. The courts have wide discretionary powers in awarding compensation.

Because of the uncertainty of the law, and because it is a lengthy, expensive and at times stressful process, it is often a frustratingly inadequate way to resolve issues at work. It is important that you speak to your regional office if you are considering taking such action.

If you think that your employer might have breached existing legislation, you need to contact your branch officers.

FIND OUT MORE To find out more about employment law, access the Thompson's solicitors' website: www.thompsons.law.co.uk.

CONTRACT OF EMPLOYMENT

When an employee agrees to work for an employer the terms and conditions under which they agree form a contract of employment. This contract of employment legally binds both parties to

certain obligations and, subject to some of the problems outlined above, can be enforced in a court. In normal circumstances an employee and employer can't agree to something in a contract that is prohibited by legislation.

Because a contract of employment is between an individual and an employer, contracts may be different between individual workers. This can create unfairness and cause resentment.

A contract of employment is one of the most powerful documents regulating your terms and conditions. What a contract of employment says is therefore very important when trying to work out how to deal with a member's problem.

Except in certain circumstances a contract of employment can't be changed without the agreement of both parties, so care should be taken when negotiating and amending contracts. In particular great care should be taken when accepting a change in the way you work because this may be regarded as having agreed to a change in your contract.

Who gets the better deal out of a contract depends on the power relationship between the parties. When workers negotiate collectively they have much more power and consequently get a better deal than when they negotiate individually.

A contract usually exists in writing, however where there is no written contract, or where the written contract fails to outline important details, the contract or the clause can often be established in other ways. In order to establish that a contract, or a clause of a contract, exists, you must be able to prove it in some way. So while a verbal promise made in an interview legally forms a contract, you will have trouble enforcing it if you can't prove it was said.

A checklist for contracts of employment

Details of a contract of employment may exist in the following:

- the written contract itself
- minimum terms of contracts outlined in legislation or court decisions
- a letter of appointment
- letters from your employer
- policies, procedures and agreements that are referred to in a contract
- certain practices deemed to be agreed because the employer and employee have acted upon them in a way that would indicate agreement
- things agreed verbally between the employer and employee at the time of making the contract.

MANAGEMENT POLICY AND PROCEDURES

Employers have policies and procedures to deal with a wide range of employment matters. Many of them will govern the way they deal with their employees. Include things like sick leave policy, recruitment policies and opening hours.

Management has the right to change their policies and procedures on most things without

negotiating with the union or their employees. On some issues they may have to consult. Either way employees are vulnerable to changes in management policies.

Policies and procedures are often referred to in people's contracts of employment. Where this occurs, the policy or procedure may gain the force of the contract. This gives management a lot of power to change employees' terms and conditions.

Where management notifies employees of changes to policies and procedures, employees are deemed to have agreed to them if they do not object, and continue to work for the employer. For this reason it is important to keep a close eye on management policies and procedure and actively object to changes you do not agree with.

The best way to protect yourself from unilateral management changes to policies and procedures is to negotiate agreements that cover those areas of policy and procedure.

When assessing if it would be beneficial to turn an individual issue into a collective one you will need to examine the procedures that will be followed in either situation and assess the relative merits. Usually dealing with a collective issue governed by a union agreement will be better than tackling an individual issue under a management procedure. This is not always the case, however, and you need to examine the procedural merits of each.

FIND OUT MORE Contact your Human Resources or Personnel Department to find out more about your local policies and procedures.

LOCAL AGREEMENTS AND PRACTICE

Local agreements are negotiated between an employer and the union branch. The terms of the agreement deal with matters similar to those in an employment contract but apply to all the employees covered by the agreement. Because you have more power when you negotiate collectively, local agreements usually provide better and more detailed terms and conditions.

When they are not written into formal agreements they are called local practice. Local practice may be either written or unwritten. Local practices agreed in writing can often be found in letters, policy and procedure, memos, minutes of meetings with management, or emails. They have the same weight as an agreement but can usually be changed more easily than a written agreement.

Agreements are important because they provide terms, conditions and procedures that apply fairly and equally to all employees. They often include more detailed procedures negotiated at the request of the union to deal with matters such as grievance and disciplinary procedures in a fair and consistent way.

Although local agreements are not enforceable by law they can generally not be changed without the consent of the other party. When one party wants to change an agreement it usually results in negotiations. How much you get from negotiations will depend on your relative bargaining strength—which is dependent on how well organised you are.

UCU recommends that local practice be written into formal agreements to provide you with safeguards. However if you are considering this please contact your regional office before you proceed.

Most disciplinary and many grievances will be individual matters which should be dealt with under specific procedures at your workplace. Collective issues are generally dealt with under the procedural agreements governing the relationship between the trade unions and management.

Tips on local agreements

UCU highly recommends that branches negotiate written agreements on a wide range of matters but at least including:

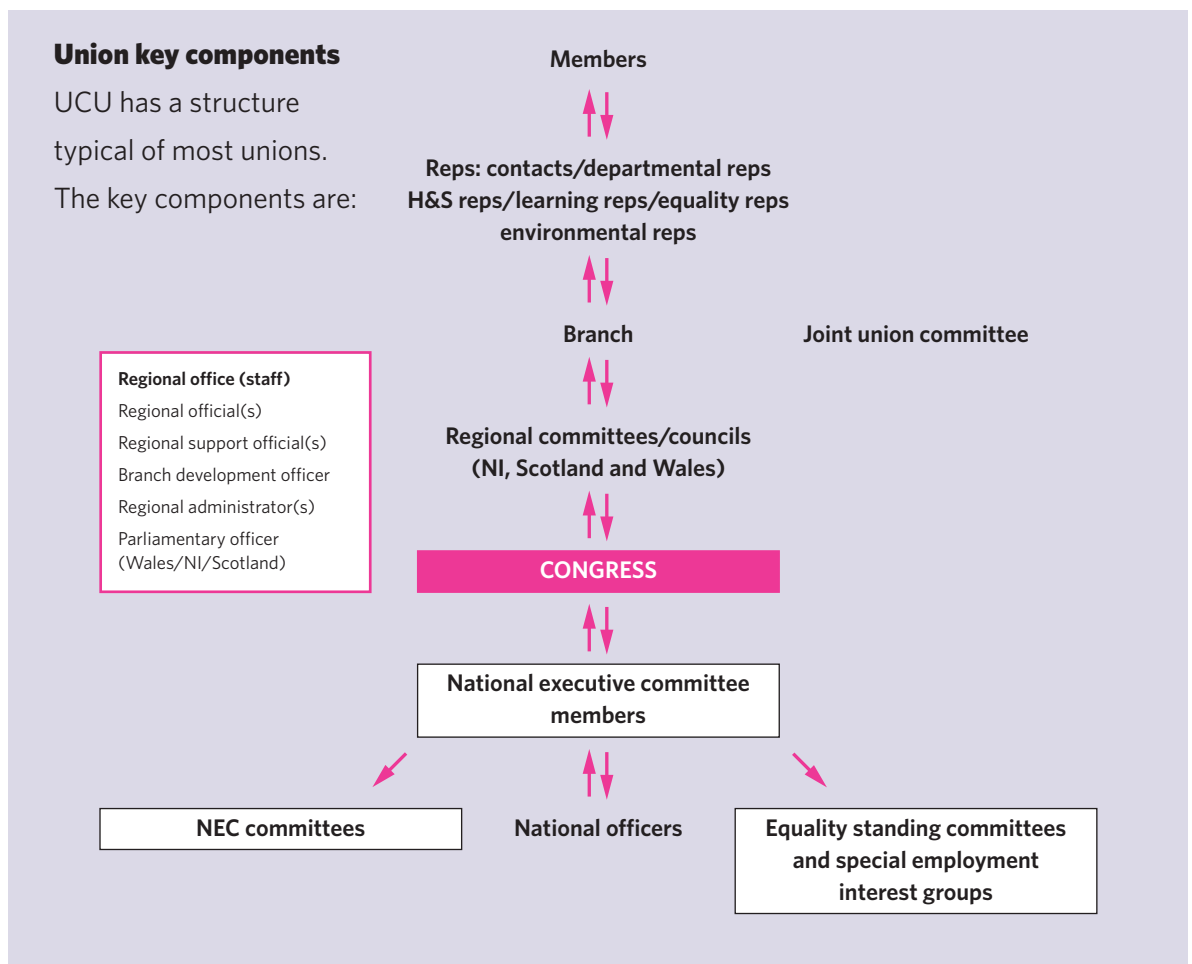
- ***union recognition***
- ***union facilities***
- ***wages and conditions***
- ***disciplinary and grievance procedures.***

FIND OUT MORE Contact your branch to find out what local agreements exist.

About UCU: a member-led union

Members of UCU belong to branches or local associations, which are generally workplace-based.

These members directly elect their own officers who negotiate and represent members locally, with support from full-time staff in regional offices throughout the UK. They also elect delegates to the union's congress, either directly or, from smaller institutions and workplaces, through aggregations of smaller branches and local associations. Members also directly elect their representatives on UCU's national executive committee, from geographical constituencies based on Scotland, Wales, Northern Ireland and, in England, the areas covered by one or more regional development agencies (RDAs): the north-west (North-West RDA); the north-east (North-East and Yorkshire & the Humber RDAs); the Midlands (East Midlands and West Midlands RDAs); London and the east (London and Eastern RDAs); and the south (South-East and South West RDAs).



CONGRESS

UCU's annual congress is its supreme policy-making body. Congress includes separate annual meetings of UCU's further and higher education sector conferences, where policy particular to these areas is decided.

In addition, special sector conferences are sometimes called between the Annual Congress in order to pass policy on specific urgent matters.

Branch representation at Congress

Branch and local association representation at both the annual congress and any special sector conference is based on member numbers, with smaller branches forming an aggregation which has the right to send a delegate.

THE NATIONAL EXECUTIVE

The National Executive Committee of the union is elected by UCU members and includes HE and FE members, some of whom are elected regionally, some on a UK-wide basis, plus equality seats and officers of the union. The NEC is responsible for conducting the union's business between Congress meetings. The executive comprises a number of sub-committees:

- higher education committee
- further education committee
- strategy and finance committee
- education committee
- recruitment, organising and campaigning committee
- equality committee.

There are also a number of equality standing committees and special employment interest groups which advise the NEC's work.

Equality standing committees and special employment interest groups

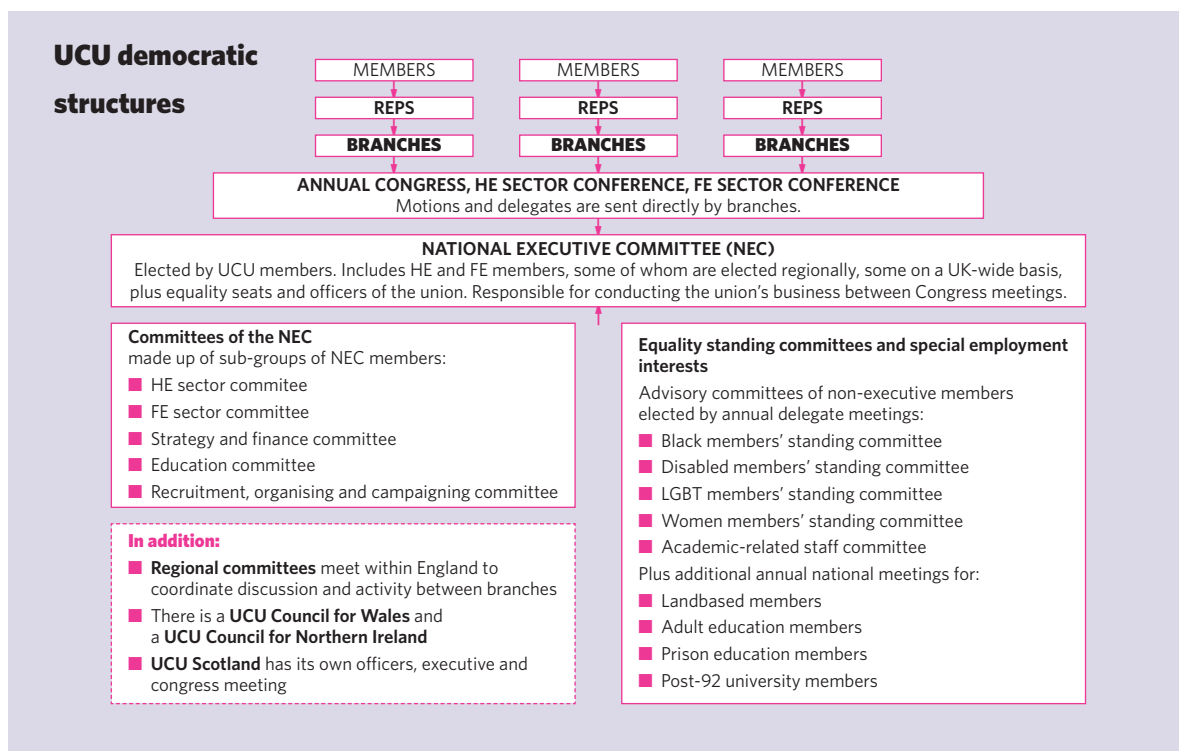
Advisory committees of the non-executive members are elected by annual delegate meetings:

- black members' standing committee
- disabled members' standing committee
- LGBT members' standing committee
- women members' standing committee
- UCU anti-casualisation committee
- Medical Research Council staff committee
- UCU academic-related staff committee

Plus there are also annual national meetings for: land-based members; adult education members; prison education members; and post-92 university members

General secretary

The post of general secretary, the union's most senior official, is currently held by Dr Jo Grady.



REGIONAL ORGANISATION

Regional offices and Scotland, Wales and Northern Ireland

UCU has regional offices across the country. Each branch will be allocated a regional official which will be based on the region of the country that the branch is located. UCU also has offices in Scotland, Wales and Northern Ireland. Regional Offices give advice and support to branches, but are there to support reps in the workplace. Each office will usually have a Regional Office team which will normally have a Regional Official, Regional Support Official, Administrator and a Branch Development Organiser. To find out what regional office you are in please go to www.ucu.org.uk/index.cfm?articleid=3771.

Regional and national committees

UCU has a number of regional and national committees which bring together branches or local associations in particular geographical or political areas in order to enhance the union's work.

There are specific democratic structures in place in Scotland, Wales and Northern Ireland, which have their own committees and annual conferences in order to deal with their specific national issues. See the relevant page below for further information on the work of the national committees. In England, branches come together under a number of regional committees whose key aims are to foster closer contact between members in their region and coordinate discussion and activity and support between branches. These committees are largely based on the areas covered by the English regional development agencies, with some variations.