

into



Irish National Teachers' Organisation
Cumann Múinteoirí Éireann



Working Together

**REPRESENTING MEMBERS
AT SCHOOL LEVEL**

JOINT UNION TRAINING



INTO / NEU / UTU are working in partnership to deliver a series of face to face, and online sessions, for school reps.

All webinars will be recorded, and made available to reps, with supporting copies of all documentation that we refer to.

ROLE OF THE SCHOOL REP

Representing members ?

individually and collectively

Individual issues – formal meetings as part of agreed TNC procedures (with a right to be accompanied)

Collective issues – an issue that affects a group or all teachers in the school.

BEFORE YOU START

Interviewing Members

A member has contacted you to say that they wish to pursue a grievance/are facing disciplinary action/being put under capability. You agree to meet with them to discuss their case. What are the key things you should do to make sure that the meeting goes well and that you get the information you need from the meeting?

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BEFORE THE INTERVIEW

- **Check their membership status. It sounds obvious but you should ensure the member is entitled to your time and representation. Agree a suitable meeting place – consider the need for privacy.**
- **Obtain any documents that might be relevant. Make sure you have a copy of the appropriate procedure.**
- **Take a note-book and pen or some other means of recording the facts of the case.**

DURING THE INTERVIEW

- **Be friendly, supportive and reassuring. Members may get emotional talking about their situation.**
- **Do not make promises. At this stage things are only possible not probable.**
- **Don't rush things but be aware of the time you have available. Ideally allow 45 – 60 minutes for a first interview. If this is not possible make sure you have the member's contact details if you need to ask supplementary questions.**

DURING THE INTERVIEW

- **Say that you will be taking notes – but do not start immediately. Allow the member to take 10 minutes to explain the situation as they see it. Give him, or her, a chance to say what’s on their mind.**
- **Listen carefully and try to make a mental note of key points. When you need to start prompting begin taking notes in an organised way. You will need to refer to them afterwards.**
- **Go over key facts – use the following headings to help you: who, what, where, when, how and why. Make notes under each heading. Ask supplementary questions as they occur to you. You will need to do so to gain clarity.**

DURING THE INTERVIEW

- **At this stage try to ask open questions such as ‘what happened next?’ or ‘what did he say then? Don’t make assumptions or put words into the member’s mouth.**
- **Do not take your member’s answers as the only possible version of the truth. Say you will need to check facts with the other people involved.**
- **At the end of the meeting summarise your understanding of the situation. Allow time to reflect and for your member to give you additional information or correct you if you have misunderstood.**

DURING THE INTERVIEW

- **Explain what you will do next (e.g. speak to witnesses- with the member's permission, check facts, etc.)**
- **Explain what could happen next and the possible outcomes (check what the procedures say)**
- **Agree a time for another meeting to take place after you've investigated further.**
- **Organise your notes securely (member confidentiality is key)**
- **Reflect on the case**
- **Seek advice.**

RIGHT TO BE ACCOMPANIED

Teachers have a statutory right to be accompanied by a colleague or trade union official where they are required, or invited, by their employer to attend certain disciplinary or grievance hearings.

Teacher unions have also negotiated an entitlement to be accompanied in other situations – set out in TNC procedures

WHAT IS A DISCIPLINARY?

The Labour Relations Agency (LRA) Code of Practice

defines a disciplinary hearing as one that could result in:

- ✓ a formal warning being issued to an employee (i.e. a warning that will be placed on the employee's record)**
- ✓ the taking of some other disciplinary action (such as suspension without pay, demotion or dismissal); or**
- ✓ the confirmation of a warning or some other disciplinary action (such as an appeal hearing).**

Your employer's disciplinary procedures (set out in TNC) should be followed

TNC AGREED PROCEDURES

Teacher's Disciplinary Procedure (TNC 2016/3)

Teacher's Grievance Procedure (TNC 2014/6)

Teacher's Redundancy Procedure (TNC 2010/1 revised 2013)

Teacher Attendance Procedure (TNC 2008/2)

Teacher Flexible Working Scheme (TNC 2009/6)

Teacher's Bullying and Harassment Procedure (TNC 2009/11)

<https://www.education-ni.gov.uk/topics/teaching-staff/teachers-terms-and-conditions>

DISCIPLINARY PROCEDURE

Teacher's Disciplinary Procedure (TNC 2016/3)

- The teacher is entitled to be accompanied (in accordance with Section 3 of the LRA's Code of Practice on Disciplinary and Grievance Procedures Paras 110-116) at all formal stages of the procedure by a teaching colleague or a recognised trade union representative.**
- The teacher will be expected to respond directly to the Disciplinary Authority and to answer the allegations.**
- The teacher may confer with the teaching colleague or representative accompanying him/her and, in exceptional circumstances and with the agreement of management, may be represented by this person. The teacher will not be permitted to be accompanied at any stage of the procedure by a legal representative.**

GRIEVANCE PROCEDURE

Teacher's Grievance Procedure (TNC 2014/6)

- **A teacher/principal has the right to be accompanied and/or represented at each stage of the procedure, if he/she desires, by a recognised trade union representative or teaching colleague.**
- **A Principal has the right to be accompanied by a senior member of staff or a representative of the employing authority when dealing with a grievance raised by a teacher.**

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REDUNDANCY PROCEDURE

Teacher's Redundancy Procedure (TNC 2010/1 revised 2013)

- **A redundancy is a dismissal under employment law and the Statutory Dismissal Procedures must be followed.**
- **A teacher nominated for redundancy should be notified in writing by the redundancy selection panel and invited to a meeting to discuss the selection for redundancy and contemplation of dismissal.**
- **The letter should set out the reasons for the redundancy, as well as the selection method and set out the right to be represented by a Trade Union Representative or a teaching colleague.**

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ATTENDANCE PROCEDURE

Teacher Attendance Procedure (TNC 2008/2)

If a teacher's absence level or pattern presents a concern the principal shall arrange a formal Attendance Meeting, where the teacher should be asked, in writing, to attend the meeting and advised that they may be accompanied by a recognised trade union representative or teaching colleague.

FLEXIBLE WORKING

Teacher Flexible Working Scheme (TNC 2009/6)

A teacher who believes their application for flexible working has not been properly considered may lodge an appeal.

Appeals shall be heard by a sub-committee of the Board of Governors, which – and the teacher has the right to be accompanied at the meeting by a teaching colleague or a recognised trade union representative.

BULLYING & HARRASSMENT

Teacher's Bullying and Harassment Procedure (TNC 2009/11)

The approach taken in the Bullying and Harassment procedure is slightly different to other TNC procedures.

The procedure states that both the teacher who invokes this procedure and the person against whom allegations are made have the right to be accompanied at all stages of the procedure by a recognised Trade Union Representative or a teaching colleague.

It is important that the same individual does not accompany both parties.

If the investigation finds that the allegation is substantiated it will be for the Disciplinary Authority to decide if there is a disciplinary case to answer.

BULLYING & HARRASSMENT

- **If the Disciplinary Procedure is to be invoked, and where an investigation has been conducted under this Policy, it can be substituted for a Disciplinary Investigation.**
- **If the complainant is not satisfied with the findings of the investigatory panel, he/she should write to the Chair of the Board of Governors within ten days of receipt of the decision, indicating that he/she wishes to appeal, specifying the grounds of the appeal.**
- **The subcommittee shall write to the complainant to invite him/her to the appeal hearing and remind him/her of the right of accompaniment.**

THE 'COMPANION'

The companion may be:

- **a trade union official who is employed by a trade union; or**
- **a lay trade union official, if he/she has been reasonably certified in writing by his/her union as having experience of, or having received training.**
- **a fellow employee (i.e., another of the employer's workers).**

APPLYING THE RIGHT

A suitable date should be agreed for the meeting.

- **The teacher should tell the employer who the chosen companion is.**
- **The companion can have a say at the hearing but cannot answer questions for the teacher.**
- **Teachers should not be disadvantaged for exercising their right or acting as a companion.**

AT THE MEETING

The companion should be allowed to address the hearing to:

- **put the teacher's case.**
- **sum up the teacher's case.**
- **respond on the teacher's behalf to any view expressed at the hearing.**

The companion can also confer with the teacher during the hearing.

SPEAK EARLY . . .

I have discussed my role with my member – as set out in the Employment Relations (NI) Order 1999

- ✓ I know that I can put forward my member's case.**
- ✓ I can respond on my member's behalf to any view expressed at the meeting.**
- ✓ I can object to inappropriate questions.**
- ✓ I can sum up the case.**
- ✓ And I can seek an adjournment when necessary**
- ✓ I have explained to my member that I cannot answer your questions on their behalf.**
- ✓ On that basis we are happy to proceed with the meeting . . .**

COLLECTIVE ISSUES

Sometimes its an Industrial Relations issue . . .

What does Industrial Relations mean?

- **‘collectivise’ an issue**
- **resolving issues through communication and negotiation**
- **almost always preferable to legal advice and individual cases**

CHECKLIST

Choosing an Issue . . .

- **winnable/ partly winnable**
- **widely felt?**
- **deeply felt?**
- **Result in a real improvement?**
- **Give the staff a sense of their influence?**
- **Be easy to understand?**
- **Increase the visibility of the Union?**
- **non-divisive among staff/members?**
- **Send a message to management?**
- **Bring staff together?**

ORGANISING AROUND ISSUES

- 1. Start from where members are at**
- 2. Find out what's going on by asking questions and listening**
- 3. Agitate a bit by encouraging members to question:**
 - ✓ Why is this happening?**
 - ✓ Who else is it happening to?**
 - ✓ In whose interest is it – who benefits from this?**
 - ✓ What's at stake if it stays the same?**
 - ✓ What can we do about this together?**

COLLECTIVE GRIEVANCE

What are the advantages of taking a collective grievance?

Economies of scale. Dealing with one grievance on the same issue is a more efficient use of your time and energy than pursuing several individual ones.

Individual members might feel less exposed when part of a collective grievance than an individual one. This is particularly true if the grievance relates to another (more senior) member of staff.

Strength in numbers – an employer is less likely to ignore an issue if there is widespread unrest about it.

It can force an employer back round the negotiating table

Collective grievances can present a campaign and recruitment opportunity. If potential members see the union doing something about a shared problem then it may encourage them to join.

NEGOTIATION OR CONSULTATION?

Negotiation - employer and trade union meet with view to reaching an agreement – often called collective bargaining

Consultation – employer seeks trade unions' views but employer makes final decision

MEETINGS WITHOUT A RIGHT TO BE ACCOMPANIED

Often members are called to a meeting . . . ‘Step Into My Office’ etc.

Sometimes they assume they have a right to accompanied and ask you to attend the meeting with them . . .

Check with the member / manager / Principal what the meeting is before committing yourself to accompany them!

Tips?

MEETINGS WITHOUT A RIGHT TO BE ACCOMPANIED

The following tips should help you get the most from the meeting:

- ✓ **take a notebook and pen**
- ✓ **note the time and location of the meeting together with the names of those present**
- ✓ **if you haven't already done so, ask for a brief agenda of items to be raised**
- ✓ **make sure the agenda is adhered to**
- ✓ **if asked questions that you cannot immediately answer, ask for time to check your records, and consider your response; this may mean getting back to the principal at a later stage**
- ✓ **try not to become or appear defensive**
- ✓ **do not be tempted to make a covert recording of the meeting**
- ✓ **be wary of filling in any awkward silences**

MEETINGS WITHOUT A RIGHT TO BE ACCOMPANIED

- ✓ **keep calm – don't lose your temper**
- ✓ **do not allow yourself to be bullied – if you feel intimidated by body language / raised voices / 'ganging up' then say so; if you begin to feel upset then ask for an adjournment**
- ✓ **you are entitled to bring a meeting to a close and leave if you do not wish to continue;**
- ✓ **However, if you can, try to stay calm and get to the conclusion of the discussion**
- ✓ **if any concerns are being raised about your contract, or your performance or conduct, then ask what evidence there is to substantiate them**
- ✓ **at the end of the meeting make sure that you summarise the main points and conclusions (including any assurances of support/training)**
- ✓ **after the meeting try to organise and flesh out your notes in more detail, and file them somewhere safe and accessible.**

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A recording of this session will be made available to INTO/NEU/UTU reps with the power-point slides and all speaking notes.