

Learning Partnership Agreement

**between Devon County Council and the recognised Trades
Unions**

Preface

Work on this document commenced some time ago in an effort to establish a more formal and effective partnership between the Trades Unions and the County Council in the areas of workforce planning, training, learning and development. Several drafts have been subject to consultation and the final round of consultation earlier this year included circulation to all directorates' Learning and Development links. The document has been simplified and revised in the light of comments received.

The recent pay claim negotiations included discussions about workforce development. For example the Revised Employer Position statement said:

“Para 3.4: Authorities should establish local partnership arrangements, to include recognised trade unions, to develop their local workforce development plans.

Para 3.5: The NJC endorses partnership provision such a 'Return to Learn' scheme. Authorities and the recognised trade unions shall encourage and support employees taking on statutory Union Learning Representative (ULR) Role. This will include agreeing facilities and paid release in accordance with statutory provisions. ULR's should be enabled to play a full part in promoting and implementing local training and development programmes.

Part 4.8: Guidance on Workforce Development Plans, NJC recommends that plans should cover the role of Union Learning reps”

This encourages us to think that Devon is ahead in its thinking. It would be a real achievement if we had someone in each workplace with a passion for learning and development, who would encourage and cajole their colleagues to be proactive in lifelong learning for themselves and others. The Union Learning Representative can perform such a role, augmenting those of managers and Learning and Development staff and assisting the County Council to achieve its goals, working together towards common learning objectives to meet the needs of Devon.

Summary

Purpose: to provide a framework for joint working between recognised trades unions and the Council in the area of Lifelong Learning.

Content:

The report

- highlights the roles of Union Learning Representatives and Lifelong Learning Advisers (ULRs) recognised in the Employment Act 2002
- sets out the ways in which the Trades Unions and Management in Devon County Council should work in partnership to encourage learning throughout the workforce
- describes the expectations Managers can have of ULRs and the rights of ULRs to support from their managers to carry out their role effectively
- outlines the responsibilities of Managers at all levels and of the Trades Unions to promote and encourage a learning culture particularly for those people who have been discouraged or excluded from learning in the past
- in the Appendices, it provides more detail about the ULR roles

Benefits of a Partnership approach:

Working together

Encouraging the workforce of Devon County Council to be enthusiastic about learning throughout their lives as well as throughout their careers is a wholly positive objective. Trades Unions and Employer share this goal and can benefit both individuals and the organisation by working in partnership.

Trades Unions and the Council are often engaged in resolving problems and disputes. Working and learning together can benefit and enhance employee relations by harnessing energy towards a shared objective.

Current example of partnership work

The Learning and Development team and the Education Co-ordinator of Unison have initiated work with the Learning Skills Council to produce a policy and strategy for Skills for Life for Devon County Council staff. Events and publicity will accompany this work which aims to provide a range of learning opportunities for employees to raise the standard of their skills in writing, numeracy and IT. Together it has been possible to generate commitment and funding to assist this work.

Partnership Learning Agreement

An agreement between Devon County Council and recognised Trades Unions

Purpose of the Agreement

The purpose of this agreement is to provide a framework for joint working between recognised trade unions and the Council in the area of Lifelong Learning. It sets out the guiding principles necessary for the establishment of a working environment throughout the County Council, consistent with the promotion of Lifelong Learning.

It sets out the respective duties, commitments and responsibilities of unions and Devon County Council to establish and support joint working arrangements around learning initiatives. It also details the rights and duties of union members specifically recognised as union learning advisors and representatives.

Definitions

“The Council” means Devon County Council. Reference to “the unions” means all the unions recognised by the Council with membership of the Joint Negotiating body. (The initiative for this agreement has been led by Unison and is based on advice and information from the TUC.)

“Lifelong Learning” includes learning that develops people’s life skills and self-confidence as well as job-related skills. Learning is about individual self-development and also about working together to meet collective need – be it in the workplace, in the Union or in society. Learning should be flexible and responsive to the needs of the learners.

The use of the term **“Union Learning Representatives” (ULR’s)** in this document, covers both Lifelong Learning Advisors and Union Learning Representatives. A description of these roles is included in Appendix 1.

Statement of Principles

This agreement starts with some key principles:

- Learning throughout life develops the confidence and the skills of the individual, which will benefit them at work, at home and as citizens.
- The Council has a duty to encourage and enable employees to learn and develop.
- Trades unions have a duty to encourage and enable their members to learn and to develop.
- Individuals, as union members and as employees, have responsibility for committing themselves to learn and develop.
- Some employees face particular barriers and disadvantages in relation to accessing learning, and these need to be addressed by both trades unions and employers.

- Access to education, training and development should be as open and flexible as possible with no discrimination in terms of: age, gender, ethnicity, contractual hours, geographical location.
- Learning should be valued, recognised, recorded and accredited wherever possible.
- Wherever practical, learning should be shared by different staff groups and professions.
- The infrastructure to support learning should be as close to the individual's workplace as possible, drawing on new educational and communications technology and designed to be accessible in terms of time and location.
- Workforce planning and development plays a crucial role in improving public services and fulfilling the aims of Devon County Council as set out in its Performance Plan.

In addition to this agreement, the Council has a Learning and Development Policy, which reflects these principles and applies to all employees. A copy of this is available on the Devon County Council Intranet.

Expected benefits of this Agreement

Trade unions and the Council believe that this agreement will encourage:

- ◆ Dialogue between the unions and the Council over learning matters
- ◆ A sharing of resources and expertise in learning and development and increased access to potential funding for partnerships engaged in learning activities
- ◆ Planning and evaluation of lifelong learning, which is central to organisational development and service improvement, backed up by robust information about skills gaps and needs, relevant to the County Council's strategic plan
- ◆ Staff to feel informed and confident of the learning opportunities they can access
- ◆ Union Learning Representatives, the Council's Learning and Development staff and managers to work in partnership
- ◆ Learning throughout life which benefits the individual, the workplace and society
- ◆ A work environment, where people have the skills to perform current jobs to the best of their ability, promote health, safety and welfare and develop their roles and career potential

Statement of Intent

Commitments:

Employer

It is the aim of Devon County Council to raise educational achievement and develop lifelong learning so that every individual whatever their age or starting point can realise their full potential in learning, work and within the community. Devon County Council commits to implementing its Learning & Development Policy from the

highest level, to raising awareness and support for the Policy through **all levels** of the organisation and to providing the necessary resources to enable this to happen.

Trades Unions

Trades Unions are crucial to the success of encouraging all members back into learning. UNISON is committed to working with its members and Union representatives and branch officers to support learning initiatives. It will develop a network of Lifelong Learning Advisors and Representatives to encourage and support learners in the workplace and to enthuse them about the benefits of learning.

The unions bring to the partnership experience of championing learning with non-traditional learners, national Learning at Work programmes and branch organisations.

The unions will increase the network of Union Learning Representatives and Lifelong Learning Advisors, the rights and duties of which are set out in the Appendices. The unions' networks of stewards and workplace contacts will be points of contact for potential learners, who can then be channelled to the ULRs for appropriate support and signposting. Two stages of training will be provided for ULRs and Lifelong Learning Advisors, all of which is accredited by the Open College Network.

Combating Inequality

Devon County Council will work to tackle barriers to learning and will ensure that all staff can access learning, which meets their needs and the needs of the organisation. Devon County Council resolves to work with recognised trades unions and learning providers to identify and address barriers to equality in access to learning including access and flexibility in learning materials and delivery. Devon County Council will keep records of employees currently accessing learning and opportunities for learning via G.L.A.D.I.S.

Resources for Learning

Devon County Council commits to providing resources to support the learning agreement in order to meet the needs of learners. This could include

- providing accommodation and equipment required for learning to take place,
- developing agreements and guidance for appropriate time off and
- ensuring managers' encouragement and support.

The Unions and Council will work in partnership to access external funding and other resources to assist in its provision of learning and to make effective use of opportunities already in existence in both organisations.

Roles in Appraisal and Employee Development

Employer

Devon County Council has a responsibility to all employees in relation to their learning, training and development and this is set out in the Learning and

Development policy. This responsibility is carried out through the following management cascade with accompanying accountabilities, drawn directly from this policy. Key to this is the council's Appraisal Scheme, which applies across the County Council.

In the Council's Appraisal process the employee and manager work together to prepare a Personal Development Plan, both agreeing how identified development takes place. Employees are entitled to agree with their manager a period of paid development time each year in line with their own Personal Development Plan and will be encouraged to take advantage of learning opportunities to achieve their personal goals.

Chief Officer and Senior Management Teams

The Chief Officer and Senior Management Teams are accountable for creating a culture in the organisation, which strives for continuous performance improvement. As part of this they are responsible for the development of all employees to enable them to perform effectively in their current role and to develop to meet future challenges.

Managers and Supervisors

All managers and supervisors are responsible for the training and development of employees reporting to them. They are required to compile a Personal Development Plan for each member of their staff as part of the DCC Appraisal process. They have operational responsibility for ensuring staff are enabled to attend agreed courses or other learning opportunities.

Managers must ensure that all staff have equal access to the development they need to perform effectively in their role and to meet the future needs of the Council. They should also ensure that each employee is made aware of the Learning and Development Policy and the learning opportunities available to them.

Learning and Development Unit

All staff with specific responsibilities for co-ordination, management and/or delivery of learning and development will support the implementation of the Learning and Development policy and the Partnership Learning Agreement.

Employees

Employees share responsibility for their own development needs and should be prepared to make suggestions for meeting these needs to their managers. This includes considering broader learning and educational needs, which could help their personal and career development. Employees need also to commit to courses that they sign up for, including undertaking assignments and projects which are set as part of the course.

Trades Unions

The Trades Unions will enthuse members about the opportunities learning creates and will offer support and encouragement to Union Learning Representatives and Lifelong Learning Advisors. The Trades Unions will endeavour to create a large pool of ULRs encouraging members not already involved in TU representation to take on the ULR role.

Union Learning Representatives and Lifelong Learning Advisors

Union Learning Representatives and Lifelong Learning Advisors will work with members of staff in accordance with the duties and responsibilities outlined in the relevant ACAS Code of Practice. (See also Appendices 1 and 2).

Monitoring and reporting the Partnership's activities

A designated representative from both the Learning and Development unit and the Trades Union will take responsibility for monitoring the partnership agreement. They will meet regularly and be involved in, or informed of, any specific initiatives which emerge from partnership working, e.g. Skills for Life events, Learning at Work week. Any disagreements arising within the partnership or problems that cannot be resolved locally can be referred to these two people. If the issue cannot be resolved, the normal DCC consultative processes will be used, referring if necessary to the Corporate JCC.

Representation and Recognition

Devon County Council and the Trades Unions recognise the key role of union workplace representatives in the success of the realisation of lifelong learning. Further details are included in Appendix 1.

Review and Monitoring

It is recognised that changes could occur which affect any of the parties to this agreement. Any changes will need to be considered through joint consultation and if necessary this agreement will be amended through the established joint procedures.

A minimum of 3 months notice needs to be given of amendments to this agreement, unless both parties jointly agree to a lesser notice period.

Signatories

This agreement is made between Devon County Council and the recognised Trades Unions of the Joint Consultative Committee.

The effective date of implementation is

This agreement will apply to employees of Devon County Council.

Devon County Council Representative:

_____ Date: _____

UNISON Branch Representative:

_____ Date: _____

Elected Member Representative:

_____ Date: _____

Joint Union(s) Representative:

_____ Date: _____

Appendix 1

Roles of Union Learning Representatives and Lifelong Learning Advisers

The Employment Act 2002 gave statutory recognition to the roles of Union Learning Representatives and Lifelong Learning Advisers, obliging employers to give them similar rights to those of other Union representatives.

In terms of this Learning Partnership Agreement, the roles are agreed to be as follows:

Lifelong Learning Advisors are likely to have experience of adult learning programmes such as Return to Learn, and will focus on providing support to other learners participating in courses such as Return to Learn, and identifying and helping to articulate the learning needs of particular groups.

Union Learning Representatives are specially trained union members, who may be existing workplace representatives, who share a commitment to learning and who want to develop learning in their own workplaces. The focus of their work will be on negotiating and representing around learning issues. Advisors and ULRs will work closely together (and with the Branch Education Co-ordinator in the case of Unison.)

Both ULRs and advisors will work to:

- Raise awareness of lifelong learning issues
- Raise awareness in the workplace about lifelong learning opportunities
- Raise awareness of the DCC and union partnership approach to lifelong learning
- Liaise with Devon County Council on lifelong learning opportunities in the workplace
- Share in discussions between the unions and Devon County Council on workplace learning issues, particularly in encouraging workplace agreements and programmes;
- Liaise with the Council's Learning and Development unit staff and with local education providers where appropriate.

Representation & Recognition

- The unions will appoint Union Learning Representatives and Advisors (ULR/A's) in line with their rules.
- ULR/A's will be provided with credentials by the appropriate union.
- The unions will formally notify the Council of the names of its ULR/A's and the areas they are responsible for. This will normally be done within one month of a ULR/A's appointment.
- The union will formally notify the Council of changes to ULR/A's.
- ULR/A's will not be precluded from holding other union posts, for example steward, or branch officer.

- The union will normally arrange training for ULR/A's within six months of their appointment.
- The Council will normally allow time off with pay for training within six months of notification of the appointment of a ULR/A.
- The Council will not normally de-recognise a ULR/A who does not complete his/her training within six months of appointment as a ULR/A. However the Council may refer the failure of a ULR/A to attend training to his/her union for review.
- The Council will not recognise ULR/A's other than appointed by a recognised union, which is party to this agreement.
- ULR/A's will be allowed time off with pay to carry out their duties and training in accordance with agreements endorsed through the DCC joint consultative processes.

The duties of a ULR/A may include some or all of the following:

- To promote Lifelong Learning through the agreed means of informing staff. This may include holding meetings, talking to individuals, circulating publicity, both electronically and in hard copy, using notice boards and any other appropriate forms of communication.
- To provide information, advice and guidance on the availability of education and training, internal and external to the County Council; how to gain access to opportunities for learning; and provide front line assistance with completing applications.
- To liaise with managers, Learning and Development unit staff, internal and external providers of learning opportunities related to the promotion of Lifelong Learning.
- To assist with the identification and analysis of learning and training needs. This may include using different methods of identifying learners needs and interests, keeping records, drawing up recommendations and plans to meet the requirements of learners.
- To draw up reports and carry out any administrative tasks associated with the post of ULR/A.
- To meet together (under the auspices of the union) in order to review, make policy recommendations, accept reports and agree a collective view on the area of Lifelong Learning.
- To meet with working groups, as agreed with the Council, that work on Lifelong Learning. For example these may include local Training Forums and initiatives.
- To represent members, both individually and collectively, who may need assistance in progressing Lifelong Learning issues.
- To engage in relevant collective bargaining and consultations in order to reach agreements pertaining to Lifelong Learning. (Any such agreement will be referred to the JCC for discussion, amendment if appropriate and ratification).

Time Off Arrangements

This section is in accordance with the revised Staff Consultation and Trades Unions Facilities agreement and ACAS guidance.

- Devon County Council will ensure that line managers are made aware of the role of ULR's, and the terms of the Learning Agreement. The Council will allow reasonable time off with pay for ULR/A's for training and will support those managers in facilitating reasonable time off for training to support this work.
- The Council will provide support and guidance to line managers to enable ULR/A's to take reasonable time off with pay and to enjoy reasonable facilities in order to fulfil their duties.
- In order to preserve a positive and consistent approach to Time Off the following protocol should be observed:
 - A request for time-off will normally be made to the appropriate line manager
 - The request will include the general reasons for time off, the location, date and times and duration.
 - Recurring periods may be agreed at the beginning of a sequence and reviewed every 12 weeks. Such reoccurring time-off will normally be agreed in writing.
 - The manager's approval of time off will not unreasonably be withheld.
 - The ULR/A will provide as much notice as possible to the line manager for time off and discuss ways in which disruption can be minimised.
 - The manager will confirm approval or refusal without unnecessary delay.
 - The manager will make any necessary arrangements to cover agreed time off.

In addition

- ULRs will liaise with management to ensure that training activities are co-ordinated so that duplication is minimised
- People attending training and requesting paid time off, will give at least 2 weeks notice to management of their nomination for the training

Once established, there will be meetings for groups of advisers and reps on a regular basis for support and updating on information, policy developments, etc. The Branch will facilitate these meetings. These arrangements will be agreed through the JCC process as they will require reasonable time off with pay for participants.

Facilities

The Council will provide the following facilities for the collective use of the ULR/A's covered by the Partnership Learning Agreement. This relates to facilities as already specified in the Recognition Agreement.

- Use of appropriate office facility, including use of telephones, word-processing, office furniture, secure files.
- Use of notice boards
- Access to meeting/training rooms
- Facilities for the appointment of ULR/A's

- Access to photo copying, fax, postal facilities of the Council
- Access to e-mail and the internet in accordance with current policies governing security.
- Devon County Council requires the unions to be accountable for the responsible use of the facilities as described above.
- The Council reserves the right to vary or withdraw the facilities in the event of misuse or service need. However this will not be done unilaterally and only after consultation with the union.
- The Council will also provide support within its available resources from the Learning and Development Unit, e.g. consultancy and design/development of programmes to meet learning needs, access to equipment and materials when available to assist the delivery of training.
- The unions will allow ULR/A's full use of Branch Office facilities, by local agreement with officers. Stationery, telephones and IT access will be made available in the same way as for elected workplace representatives or Health and Safety Reps.

Encouraging active interest in learning:

Currently the task of representing Union members as a workplace representative, Branch Officer, steward etc falls to a small group of union members. This means that the demands on those representatives can become very heavy and in turn their managers struggle to plan effectively for the time off required. This can seriously affect the services where they are employed.

The Council is aware that this is a problem for both the unions and the organisation as a whole and will support Union efforts to create wider interest among its membership for active engagement, which will "spread the load". As part of this support, the Council will stimulate interest in the role of ULR by ensuring that managers understand the role, and the help it can be to them in motivating staff to learn and develop.

The Trades Unions for their part will attempt to recruit ULRs from a wider network of members, stimulating interest from those who would be more interested in this kind of role than in what they might see as "the cut and thrust" of employee relations issues tackled by stewards and other branch officers.

Appendix 2

Guidance from ACAS on the role of ULRs

The ACAS Code of Practice offers the following definition and guidance for employers about time off rights for ULRs:

What is a ULR? – A new type of lay union representative whose main function is to advise union members about their training, educational and developmental needs. Their advice is usually provided direct to union members at their place of work and sometimes this necessitates meetings. They must be a member of an independent trades union recognised by the employer for collective bargaining purposes. They must be elected or appointed in accordance with the union's rules, they must have met a statutory training condition and the trade union must have given written notice to the employer that the employee is a ULR.

What is the legal position regarding time off rights? – An employer shall permit an employee who is a ULR to take reasonable paid time off during working hours for certain purposes relating to their function as a ULR. The time off must be taken in relation to qualifying members of the trade union.

For which purposes is a ULR allowed reasonable paid time off? – For the purpose of

- Training relevant to their functions as a ULR
- Analysing learning or training needs
- Providing information and advice about learning and training matters
- Arranging learning or training
- Promoting the value of learning or training
- Consulting the employer about carrying on any of the above activities
- Preparing for any of the above activities

Do TU members have the right to reasonable time off to avail themselves of the services of a ULR? – Yes, although it should be noted that the time off is unpaid. Only employees of an employer in respect of whom a trade union is recognised by the employer for collective bargaining purposes and in respect of whom the ULR acts have this right.

Taken from : ACAS publication Code of Practice on Time Off for Trades Unions Duties and Activities (last updated 28 April 2003)