

University and College Union

To Wales Council
From Phil Markham
Date June 2023
For Agreement
Subject Support to be provided by the Wales Office Academic year 2023-24

Introduction:

1. The purpose of this paper is to explain and clarify the roles and remit of the staff in the Wales office in supporting branch officers to give advice and represent members in their institutions. It is intended to help branch officers understand the competing workloads of staff in the Wales office and help them get the support needed in their roles within the institution. **This paper, in conjunction with the priorities identified within the Organising Strategy and UK level priorities, are used to allocate resources to support branches.** Regional officials will need to be involved with branches considering taking industrial action.

2. We currently look after about 7,300 members in Wales based in 20 institutions across Wales. We actively engage with the Welsh Government who have control over education policy in Wales as we believe it is better to get in early and help shape policy, rather than lobby to have it changed. However, the inevitable does happen and we do need to spend time helping branches to engage with their Senedd Members.

3. To ensure that the office functions efficiently and effectively in support of members in institutions in Wales, supports the organising agenda of Wales and balances the needs of the membership as a whole, it is necessary to articulate in some detail the workings of the office to ensure that LA and branch officers are able to get the advice and support required to be an effective organising union. For the purposes of clarity, the functioning details are listed under headings for ease of reference.

Membership:

4. A high level of membership within an institution is key to getting our agenda addressed through collective bargaining. High membership density and an active membership are significant factors in determining the success of our trade union activities. For these reasons we need to maintain our efforts in relation to recruitment and raising the level of membership activity.

5. Branches are required to update membership records and can obtain membership lists and update membership records via eServices. This allows branches to make changes to members' personal details and to move members around within existing workplaces. However, branches cannot add or delete workplaces or change workplace names or addresses. Such changes must be made by head office. Individual members can also update their personal membership records via MyUCU: https://ucu.custhelp.com/app/utils/login_form ensuring that we have up to date email and postal addresses for members remains a priority.

6. Branches are required to use eServices wherever possible. Each branch is entitled to register 2 Branch Membership Contacts (one of whom should be the Membership Secretary) and both have access to eServices. However, in the event that a membership list is required quickly and the Membership Secretary or person with access to eServices is unavailable to assist, membership lists can be requested from the office. Membership lists sent from the office to branches will be password protected in line with data protection guidelines. Branches that do not currently engage with eServices are strongly encouraged to start doing so. This access is essential for the following reasons:

- being able to check someone is a member before providing advice assistance,
- accessing important branch membership information to use as a resource,
- being able to view/edit member contact and subscription details,
- run a Branch membership list to help with recruitment
- run a report of leavers and/or joiners to ensure that ballot information is accurate
- finally, and most importantly, preparing the Get The Vote Out activities

Policy Development:

7. The Policy officer and the Wales official are responsible for drafting responses to consultations and lobbying to ensure UCU maintain a high profile within the debates on education policy in Wales. All first drafts are sent out to the policy group FE or HE and copied to the relevant officials in London. If time allows all draft responses *and accompanying explanatory precis* are circulated to LA/branch officers for comment before their submission. During the last year, the circulation of draft documents was widened to include the newly appointed Branch Policy/Political Reps. It is planned that this role will continue to be developed in the branches, with the support of the Policy officer, to help increase political engagement between branch members and Welsh Government. Most of the FE colleges and a few of the HE institutions now have a Policy/Political Rep. Branches/LA are encouraged to nominate a Policy/Political rep and should contact the Policy officer for further details.

8. Press releases on behalf of UCU Wales are drafted by office staff in liaison with press team in head office and signed off by the relevant officers of council.

Casework Support:

9. To ensure that LA/branch officers, members and other UCU colleagues are given prompt and appropriate information and advice, office systems have been established to monitor and record all the work done by the regional office. A case management system is operated by head office.

10. Officials will make the time to respond to requests from branch/LA officers to talk over concerns about managing case work within 24 hours. Any request for advice should be made in a timely manner, to assist Officials in managing their workload. The Wales Caseworker is the first point of contact for casework. Caseworkers seeking advice from the Wales office should complete and email the Branch Casework Advice form to the Wales Caseworker ahead of any discussion. To ensure that case worker's knowledge and skills are developed the advice will be provided to case workers, NOT members. If on the other hand you want questions answered, which relate specifically to the individual concerned and their contract, it is likely that you will need to let us have sight of the necessary papers before we can provide that advice. Caseworkers are reminded that membership should be checked right at the start of any case.

11. If the member does not follow that advice received from the official, then the official will not be obligated to continue to provide advice to the branch should the branch choose to support the member, ignoring the advice offered by the official.

12. If the branch officer has concerns about the advice provided then they should discuss it first with the official providing that advice, and if there are still issues then they should bring the matter to the attention of the Wales Official.

13. When members ring the office and request advice and support, they are referred to the LA/branch officers and provided with contact details. It is therefore essential that the branch information we hold is correct and branches are reminded to provide updates as changes occur. They are also told to come back to us if they have any problems contacting their local officers.

14. If the member is unable to access a LA/branch officer or is able to provide an acceptable reason for not taking the issue to their LA/branch officer, i.e. a conflict of interest, then a member of the staff will deal with their request. Please note that in almost all cases the member will be asked to put their request in writing.

15. In all cases membership records will be checked to ensure appropriate fees are being paid before any action is taken.

16. We would hope that over time branch/LA officers will develop their skills and be less reliant on advice for dealing with basic queries from their members. However, the office should always be told ASAP if you are dealing with a discrimination case as there are very short time limits, which if missed will leave UCU subject to a claim for negligence.

17. When dealing with FE cases, caseworkers should discuss with the members the legal obligation of the college to make a referral to the Education Workforce Council where a case may result in dismissal.

Legal Scheme:

18. All requests for legal advice and assistance from a member must be processed by the Wales office. Every member has a right to apply to the scheme, therefore if you receive a request from a member seeking legal advice, please refer the member to this office.

19. To ensure that the office can respond quickly, given the time limits which exist within employment legislation, it is essential for you or the member to email or telephone the office and provide the following information:

- member name
- home address with post code
- member email for correspondence
- a brief summary of the nature of the problem.

It is recommended that you provide members seeking legal services with the wales@ucu.org.uk email address as this is monitored daily by Wales Office staff.

20. The office will then send the member a letter asking them to complete a Questionnaire and provide key evidence and relevant documents or asking them to prepare a narrative/chronology, copies of the relevant papers and the questions they wish the solicitor to address.

NB The legal scheme application process changed with the introduction of the Questionnaire/Checklist for some areas of law. In time, Questionnaire/checklists will be produced for all areas and at that time the process will become the same in all cases.

The member will also be asked to complete an equality monitoring form. If the branch/LA officer requested the advice on behalf of their member, they will be copied into the letter.

21. All members will need to comply with the Legal Scheme Rules (see extract below) to be able to access the scheme and the following scheme rules will apply.

Regulation 3 & 4 of legal scheme regulations

3 Qualifying Member

3.1 You may only apply under the Scheme if you are a qualifying member. A qualifying member is a member of the Union in accordance with the Rules whose membership was registered at least 3 months before the events giving rise to the claim took place, or a member who was still in their first three months of a post but already a member of the union when the events giving rise to the claim took place.

4 Origins of Claim and Payment of Subscriptions

4.1 If you are not a qualifying member, we will only consider your application under the Scheme where:

(i) your case meets the criteria for support set out in regulation 2.4 having regard to regulation 2.5, ('the usual criteria for support') AND

(ii) in our opinion there are exceptional circumstances which justify doing so.

4.2 If the events giving rise to your claim took place less than three months after the date of registration of your membership under the Rules and your case meets the usual criteria for support but there are no exceptional circumstances, as a condition of offering legal services we may ask you for an upfront payment of the equivalent of 12 months' union subscription, starting from the date of registration of membership under the Rules or, if your membership lapsed for any reason, from the date of the restoration of your membership under the Rules.

4.3 Your Union subscription must not be in arrears. If your subscriptions fall into arrears your entitlements under the Scheme, including the entitlement to apply for and receive legal services, are suspended until the arrears are paid in full.

22. The UCU Wales Office will not offer advice or assistance to any member in relation to any issue which has its origins before the member joined UCU, or if the member lapsed their membership, whilst pursuing the issue. There is nothing to prevent the local LA/branch from offering to support members during the internal process if the LA/branch believes they will gain some collective benefit in doing so. The branch should however be aware of the limitations of this help, in terms of advice from the Wales office (see 23) and access to UCU Legal Services. This should be conveyed to members at the outset.

23. If the office refuses to offer advice to member in relation to 22 above, we will not then offer specific advice in relation to that member if the branch officer requests it. We will only provide generic advice about the area of law.

24. Once the member has returned the narrative/chronology and supporting documentation the officials will offer advice and/or decide to instruct agent solicitors. The instructions to our agent solicitors will be to give an initial

assessment of the merits of the member's legal prospects. The contract we have with solicitors requires them to provide initial advice within 21 days.

Collective Representation:

25. The RO and Wales Support Official, will be available to support the work of the LA/branch officers in negotiating collective agreements in their workplace. Requests for advice and support on collective matters should be made in a timely manner. Please note that if the support needed includes attendance at collective consultation meetings, then any decision will need to be based on; the time involved, the other commitments on his time at the time of the request and whether it fits with the priorities laid down by HEC, FEC

26. When engaged in collective consultation the official will expect one lead person from the branch/es or LA to act as lead lay negotiator and be responsible for collating the views of the committee members in preparation for the pre meetings with other branches or unions.

Representing Members:

27. If you need advice on a specific issue, please use the UCU Support Centre at: <https://ucu.custhelp.com/>

28. Most of the issues you may need to consider are addressed there. If you do not find what you are looking for then contact the office and the casework official will provide you with advice. Please note that we will be checking with you that you have checked the advice centre before providing advice.

29. If a branch/LA officer contacts the office and requests that we represent a member through internal procedure a decision will be made based on the following criteria

- the member has a potential claim of discrimination
- the member has been dismissed and is lodging an appeal
- the branch/LA officer hands over ALL the relevant documents at the time the dismissal letter is received.

The Education Workforce Council (EWC)

30. Any branch officer who needs support for a member should contact their case work lead in the Wales office as soon as they become aware of a referral to the EWC. In EWC cases it is inevitable that our legal department will be involved. A delay in contacting the Wales office may mean that the union is not able to

provide timeous advice to defend any fitness to practice proceedings the EWC may decide to bring and mitigate the severity of any decision.

Support for Lay Representatives

31. Any lay representative facing difficulty in the workplace should contact the office immediately to discuss their concerns with one of the officials. All the agreements we have in place in Wales require the institutions to notify the office if they intend taking action against a lay representative. Branch officers will be able to receive advice and if necessary, representation, for all disciplinary and dismissal procedures.

32. If the officer needs to be represented by an official, then they must make every effort to get the necessary paperwork to the official to allow them time to assist you and prepare for the hearing.

Agreed at Wales Council (Date)