

NATIONAL RECOGNITION AND PROCEDURE AGREEMENT BETWEEN COLEGAUCYMRU AND RECOGNISED TRADE UNIONS

1. INTRODUCTION

1.1 The Further and Higher Education Act 1992 established Further Education (FE) Corporations¹ in Wales. Each Further Education Corporation is an independent employer of employed staff within its college and responsible for their pay and conditions.

1.2 ColegauCymru members comprise further education colleges, FE institutions and FE colleges which are wholly owned by universities.² These are party to this Recognition and Procedure Agreement and are listed in Appendix One.

1.3 This agreement covers Wales only.

1.4 The signatories to this agreement recognise that employment issues in the sector require a context of stability but one in which we are responsive to the needs of staff, learners and Welsh Government, which will be best achieved by negotiation and consultation with the Recognised Trade Unions in Wales.

1.5 ColegauCymru and the signatory unions recognise the requirement to develop a confidence in the machinery established in this National Recognition and Procedure Agreement.

1.6 ColegauCymru and the joint trade unions undertake to recommend to their sides any agreement made within the parameters of this National Recognition and Procedure Agreement.

2. PURPOSE

2.1 The purpose of this National Recognition and Procedure Agreement is to establish a Wales wide forum to negotiate on or consult on pay and contracts of employment and other employment matters as appropriate. ColegauCymru and the joint trade unions will agree which matters are to be discussed on an annual basis although both sides may propose changes to that plan if the need arises. This agreement is between ColegauCymru acting on behalf of the further education Corporations in Wales and the signatory unions for all employment groups within colleges³, excluding designated senior post holders.

¹ In this agreement, the term 'FE Corporation' is used. This term covers the governing bodies of colleges which have designated status and colleges which are part of universities

² Colegau Cymru/CollegesWales is referred to as ColegauCymru throughout this agreement

³ The term 'FE College' also includes 'FE institutions'

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2.2 The outcome of national negotiations and consultations are recommendations to local colleges. The Further and Higher Education Act 1992 gives FE corporations the right to determine their own terms and conditions of employment. But both sides will endeavour to ensure full implementation of recommendations made.

3. GENERAL PRINCIPLES

3.1 ColegauCymru and the signatory unions agree that it is in the interests of the FE Corporations, their employees and students that the business of Colleges should function effectively to the benefit of all of them and that this is a common objective.

3.2 ColegauCymru and the signatory unions accept that nothing in this Agreement is intended to replace, detract from or weaken the direct communication and positive relationships that exist between individual employees and their employers, and local trade unions and college managers and staff.

3.3 Appendix 2 sets out the respective unions that are recognised by the FE Institutions and FE Colleges covered by this agreement.

4. RECOGNITION

4.1 ColegauCymru recognises the following unions for employees in FE Colleges. The unions will send their representatives to the Wales Negotiations Committee (FE) (WNCFE).

- The Association of Managers in Education (AMiE)
- The Association of Teachers & Lecturers (ATL)
- The General Municipal Boilermakers (GMB)
- UNISON
- Undeb Cenedlaethol Athrawon Cymru (UCAC)
- University and College Union (UCU)
- NASUWT
- UNITE

4.2 The number of representatives attending the WNCFE shall be as follows:

4.3 Up to five employer representatives nominated by ColegauCymru

4.4 Up to 11 lay representatives from the TUC affiliated trade unions with the following balance of membership, subject to size of membership within FE colleges in Wales:

- 3 x UCU
- 2 x UNISON
- 1 x AMiE
- 1 x ATL
- 1 x GMB

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- 1 x UNITE
- 1 x UCAC
- 1 x NASUWT

4.5 The trade unions may vary their balance of representation within the 11 maximum representatives.

4.6 Each trade union may bring to a meeting a paid official in an ex-officio capacity, who can contribute to the proceedings. The employers' side may bring to a meeting a ColegauCymru manager and up to 3 other managers employed by FE corporations in Wales, in an ex-officio capacity.

4.7 The signatory unions recognised that it is the right and responsibility of the FE Corporations and FE Governing Bodies to manage their domestic affairs in the context of this agreement.

5. THE WALES NEGOTIATIONS COMMITTEE FURTHER EDUCATION

The WNCFE shall undertake the following activities:

5.1 Review and update as appropriate the Recognition and Procedure Agreement for Wales.

5.2 Agree a programme of matters to be discussed on an annual basis.

5.3 Seek to reach agreement on pay, terms and conditions of employment and related matters.

5.4 Develop where appropriate joint policies of good practice guidance in employment issues.

5.5 Oversee and be responsible for the procedure for dealing with unresolved disputes arising from matters considered by the WNCFE.

5.6 Undertake work to review the implementation of recommendations to FE Corporations.

5.7 Monitor the implementation of agreements made between ColegauCymru and the JTUs across the FE sector in Wales.

6. PROCEDURES OF THE WNCFE

6.1 The WNCFE will normally meet on at least 3 occasions in any one calendar year, at least once per term. Additional meetings may be called by either side when appropriate. The last meeting in an academic year will agree if possible dates of meetings in the following year.

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6.2 The WNCFE will not be quorate unless two representatives from ColegauCymru and four members representing signatory unions are present. As far as possible, meetings will be planned to ensure that all members are able to attend.

6.3 The WNCFE has the right to set up working groups and decide on their remit and membership, with a maximum of three representatives from each side.

6.4 ColegauCymru and the joint trade unions will chair alternative meetings of WNCFE and the working groups.

6.5 Papers will be distributed 5 working days before meetings of WNCFE. In the event that papers cannot be distributed within this time period, papers will be presented or tabled less than 5 working days before a meeting with the permission of both chairs or both secretaries of the ColegauCymru and joint trade union sides.

6.6 ColegauCymru will undertake to encourage their members to allow national negotiators sufficient paid time off to prepare for, attend and disseminate the information from meetings of the Joint Trade Unions and WNCFE.

7. DRAFTING GROUP

7.1 The WNCFE has the right to establish a drafting group.

7.2 The drafting group will consist of the chair and secretary of the Joint Trade Unions Group and the Chair and Vice Chair to the ColegauCymru Human Resources Network Group or their nominees.

7.3 The purpose of the drafting group is to produce documents for consideration by the full body, to help draft amendments to give effect to the decisions made by the full body and to act as editors to ensure consistency across the national agreements in Wales.

8. NATIONAL COLLECTIVE AGREEMENTS

8.1 National Collective Agreements will be considered by the WNCFE if they meet any of the following criteria:

8.1.1 Where there is a statutory requirement to provide pay and benefits relating to, for example, Maternity, Paternity, Adoption, Flexible Working, Parental Leave or Carer's Leave;

8.1.2 Where procedures allow the employee to be accompanied and represented by a trade union;

8.1.3 Where the parties agree to have a National Collective Agreement in place.

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8.2 Once the terms of a new collective agreement have been agreed WNCFE will also agree a date from which the collective agreement will be expressly incorporated into the National Contract by the relevant employer College (in accordance with clause 37 of the National Contract).

8.3 Pending completion of the negotiations referred to in clause 8.2, the terms of any existing local collective agreements will continue to apply.

8.4 Once an agreement has been signed off by both parties a recommendation will go from ColegauCymru to all employers listed in Appendix 1.

8.5 Any amendments or alteration to a National Agreement must be made by WNCFE.

8.6 The Joint Trade Unions are responsible for ensuring that all members adhere to the policies and procedures agreed through WNCFE.

8.7 Any and all amendments to National Collective Agreements will be agreed between the parties to the Agreement, through the structures outlined within this agreement.

9. PROCEDURE FOR DEALING WITH DISPUTES

9.1 It is mutually agreed that the aim of the WNCFE is to make recommendations on pay and employment related matters and to avoid disputes until all discussion has been exhausted.

9.2 In the event of the WCNFE failing to resolve an issue within its defined remit, representatives of the unions and ColegauCymru shall consider the matter jointly and may, if mutually agreed to do so, refer it to ACAS for conciliations, arbitration or any other form of assistance.

9.3 Any requests for clarification from colleges arising from any agreement will be dealt with by the officers of ColegauCymru, namely the Chief Executive of ColegauCymru and the Chair of the Employment Committee, in conjunction with the officers of the Joint Trade Unions, namely the Chair and Secretary to the Joint Trade Union Group.

9.4 Every effort will be made to respond to any request for clarification within 14 working days of receipt of that request.

9.5 If the officers responsible for dealing with requests are unable to provide the clarification necessary then the issue will be dealt with by the disputes procedures within individual colleges.

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10. VARIATION AND TERMINATION OF THIS AGREEMENT

10.1 Variations or changes to this Agreement will be presented in writing with at least 5 working days' notice to a full meeting of the WNCFE and then must have the agreement of the WNCFE.

10.2 Either side may terminate this agreement by giving six months' notice in writing to the other party. Any union or college may withdraw individually from this Agreement by giving six months' notice in writing to ColegauCymru.

10.3 This Agreement will operate from the date of all parties signing the Agreement.

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APPENDIX 1

This appendix will be updated to reflect any changes to the names and numbers of Further Education Colleges and Further Education Institutions.

CORPORATIONS AND/OR GOVERNING BODIES OF FURTHER EDUCATION COLLEGES AND FURTHER EDUCATION INSTITUTIONS SIGNATORIES OF THE RECOGNITION AND PROCEDURE AGREEMENT AS OF MARCH 2014

Bridgend College/Coleg Penybont
Cardiff and Vale College/Coleg Caerdydd a'r Fro
Coleg Cambria
Coleg Gwent
Coleg y Cymoedd
Gower College Swansea/Coleg Gŵyr Abertawe
Grŵp Llandrillo Menai
Grŵp NTPC Group
Pembrokeshire College/Coleg Sir Benfro
St David's Catholic College/Coleg Catholig Dewi Sant
Merthyr Tydfil College/Y Coleg Merthyr Tudful;
Coleg Ceredigion
Coleg Sir Gâr
WEA Cymru
Coleg Cymunedol/YMCA Community College

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APPENDIX 2

Bridgend College/Coleg Penybont:	AMiE, UCU, UNISON,
Cardiff and Vale College/Coleg Caerdydd a'r Fro	AMiE, UCU, UNISON
Coleg Cambria	AMiE, ATL, NASUWT, NUT, UCU, UNISON, UCAC, UNITE
Coleg Gwent	AMiE, UCU, UNISON
Coleg y Cymoedd	AMiE, GMB, UCU, UNISON
Gower College Swansea/Coleg Gŵyr Abertawe	AMiE, ATL UCU, UNISON
Grŵp Llandrillo Menai	AMiE, UCAC, UCU, UNISON, UNITE,
Grŵp NTPC Group	AMiE, ATL, UCU, UNISON
Pembrokeshire College/Coleg Sir Benfro	AMiE, ATL, UCU, UNISON
St David's Catholic College/Coleg Catholig Dewi Sant	ATL, NASUWT, UNISON
Merthyr Tydfil College/Y Coleg Merthyr Tudful;	AMiE, ATL, GMB, UCU UNISON
Coleg Ceredigion	No agreement in place
Coleg Sir Gâr	ATL, AMiE, UCU, UNISON
WEA Cymru	UNITE
Coleg Cymunedol/YMCA Community College	No agreement in place nationally

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SIGNATURES OF THE PARTIES TO THIS AGREEMENT

Colegau Cymru *John Gargystone*

AMiE *H. Williams*

ATL *P.C. Dixon*

GMB *G. H. Morgan*

NASUWT *G. H. Morgan*

UCU *H. A. Phelan*

UCAC *N. C. Whiting*

UNISON *G. H. Morgan*

UNITE *John Gargystone*

Date of Commencement of this Agreement

..... *20th June 2014*