



**WORTHING COLLEGE**  
**INFORMATION AND CONSULTATION OF EMPLOYEES AGREEMENT**  
**January 2018**

Agreement	Information and Consultation of Employees (ICE)	
Author	Olivia Blake	
Agreed by SMT	25 January 2018	
Agreed by Resources on	05 February 2018	
Reviewed by Trade Union representatives	23 January 2018	
Signed by Trade Unions		13 March 2018
Signed by Principal		13 March 2018
Date for next review	January 2020 or on request from employees whichever is sooner (see page 3)	

*Through its policies and in its day to day work, the College is committed to promoting equality and fairness and combating discrimination. This applies to everyone, regardless of gender, racial or ethnic background, disability, religion, sexual orientation or age and embraces the College's legal responsibilities.*

## **WORTHING COLLEGE**

### **INFORMATION AND CONSULTION OF EMPLOYEES (ICE)**

#### **College Mission and Statement of Values**

##### **The Mission of Worthing College is to provide:**

To inspire, build confidence and prepare you for the life you want to live.

##### **College Values**

For us to succeed in our mission and vision, the College has shared community values which help pull us together to act in agreed ways as part of an inspirational community:

We listen intently to the voice of those we serve and show unending commitment to continuous improvement and innovation.

We engage fully with the needs of the local community, employers and universities so we can secure your achievement, success and progression.

We respond quickly, so we're always able to give you the best support, information, advice and guidance, just when you need it.

We celebrate together the successes and diversity of our community.

##### **Scope and status of the agreement**

This agreement covers all employees and sets out how the college will inform and consult the employees or their representatives.

##### **Purpose of the agreement**

The college believes it is important to inform and consult its employees because it can improve -

- Organisational performance: time spent communicating at the outset of a new project or development can minimise subsequent rumour and misunderstanding
- Management performance and decision making: allowing employees to express their views can help managers and supervisors arrive at sound decisions that are more readily accepted by employees
- Employees' performance and commitment: employees will perform better if they are given regular, accurate information such as updated technical instructions, targets, deadlines and feedback
- Levels of trust: discussing issues of common interest can engender better management/employee relations
- Job satisfaction: employees are more likely to be motivated if they have a good understanding of their job and how it fits into the organisation as a whole
- Work-life balance: you can talk to all your staff about developing flexible working policies and practices

Organisational performance, management performance and decision making and allowing employees to express their views can help managers and supervisors arrive at sound decisions that are more readily accepted by employees.

Employees will perform better if they are given regular, accurate information such as updated technical instructions, targets, deadlines and feedback.

Discussing issues of common interest can engender better management/employee relations.

Staff morale may decrease and stress increase if staff are not informed and consulted appropriately.

The college aims to ensure the arrangements for Information and Consultation of Employees (ICE) specify precisely which issues are to be addressed, to avoid dispute or confusion.

### **Relevant college policies and current legislation (statutory provisions) concerning Information and Consultation of Employees (ICE) are -**

- Information and Consultation of Employees (ICE) Regulations
- Communications Policy and Procedure
- Complaints Policy and Procedure
- Equality and Diversity Policy and Procedure
- The Human Rights Act 1998
- The Data Protection Act 1998
- The UK Data Protection (Processing of Sensitive Personal Data) Order 2012
- The Freedom of Information Act 2000
- Employment Rights Act 2008
- Equality Act (2010)
- General Data Protection Regulation (GDPR) (with effect 1 May 2018)

### **Informing and consulting employees**

The college will keep employees informed through:

- One-to-one, team meetings and staff briefings.
- Staff handbooks, memos and updates from SMT e.g. emails and staff blog notices.
- Union and Management meetings. The college usually follows nationally negotiated terms and conditions.

Informal channels of oral communication play a major part in spreading information in any organisation. However, the college will not rely on the grapevine to pass on news and information accurately. The college will aim to monitor its communications strategy and check if it is working for example, are employees reading the information they are sent via the staff blog for latest news?

The Union and Management meetings will regularly be used as a way of consulting employees along with manager face to face meetings with teams. Issues discussed will include planned changes, working conditions, welfare, terms and conditions and training. We will also use working groups made up of manager and staff representation, to consider specific issues such as directed time.

The college will review its position in the light of staff survey outcomes and continue to discuss this agreement at Union and Management meetings, to reinforce opportunities for views to be aired on relevant matters.

### **What are the ICE Regulations?**

The ICE Regulations were introduced on 6 April 2005 and give all employees of undertakings with 50 or more employees the right to request an information and consultation agreement.

The college already has legal obligations to inform and consult its employees regarding certain matters. The regulations give employers and employee representatives the flexibility to tailor information and consultation arrangements, to suit their own circumstances. Under this agreement the college will review existing systems and / or respond to a request to review existing systems or set up new procedures for informing and consulting staff. An employee request must be made by at least 10 per cent of the business employees, which must amount to at least 15 employees. If a request is received we must start negotiations with representatives of the workforce for an agreement no later than three months after a valid request has been made.

Arrangements will be robust and cover at least the 'fall back' position (see below). Relevant here is the college's relationship with the unions, ~~staff consultation group~~, consultation processes with all staff, staff briefings, meeting cycles and meeting agendas, etc.

The college will ensure that Union and Management meetings operate within well-established, formal procedures. Feedback will be provided to staff at staff meetings and staff briefings and other relevant opportunities.

The college regularly consults staff formally on a range of issues including proposals for restructuring.

### **Informing and consulting employees**

We will inform and consult employees in the following areas –

- Recent and probable developments in the college's activities and economic situation
- The situation, structure and probable development of employment and any anticipatory measures that are envisaged, especially where there is a threat to employment
- Decisions likely to lead to substantial changes in work organisation or contractual relations.

### **Issues subject to information and consultation include**

- Working time and practices
- Training and development
- Equal opportunity
- Health, safety and environment
- Pension and welfare issues
- Merger and acquisition
- Transfer of undertakings
- Employment plans
- Collective redundancies
- Restructuring
- Reorganisations
- Data protection issues
- Outsourcing
- Pay issues

### **The 'fall back' position**

The 'fall back' provisions of the ICE regulations, known as the standard provisions come into force if the college has not made the necessary arrangements to negotiate an information and consultation agreement, or negotiations fail. Under these provisions employees have the right to be:

- Informed about the college's economic situation
- Informed and consulted about employment prospects

- Informed and consulted, with a view to reaching an agreement on, decisions likely to lead to substantial changes in work organisation or contractual relations.

If the college fails to abide by the terms of a 'negotiated' information and consultation agreement or the fall-back provisions, employees can raise a complaint with the Central Arbitration Committee.

**A MODEL JOINT RECOGNITION AGREEMENT  
Containing a Facilities Agreement and Collective  
Dispute Procedure**

## **1 PURPOSE**

The purpose of this Agreement is to establish arrangements for consultation and negotiation between the College and the recognised Trade Unions.

## **2 GENERAL PRINCIPLES**

**2.1** The spirit and intention of this Agreement is to promote harmonious relations between the College and its employees through the development of effective joint consultative and negotiating machinery.

**2.2** It is a common objective of the parties that the College should function efficiently and effectively to the benefit of both the institution and its staff.

**2.3** The Agreement is not intended to detract from an individual employee's right of access to management or the College's right to communicate directly with its employees or the union's right to communicate with its members.

## **3 RECOGNITION**

**3.1 The College** recognises the following unions: NEU for the purposes of collective bargaining, communication and consultation for its members who are represented in the single table FE sector national joint forum as lecturers, managers and support staff. The Union recognise that it is the right and responsibility of the College to manage the institution.

## **4 PROCEDURES**

**4.1** There will be a committee, which will consist of all the recognised trades unions. This joint committee is expected to meet at least once per term.

**4.2** The joint consultation and negotiating committee (JCNC) will consider matters relating to conditions of employment and other matters of common concern for the purpose of achieving understanding and agreement. It will be a forum for negotiation, consultation and communication as appropriate. Matters within its remit shall include all relevant employment matters in accordance with Section 178 of the Trade Union and Labour Relations (Consolidation) Act 1992 and good industrial relations practice as defined by ACAS.

**4.4** Requests for meetings may be initiated by either Side and will be by mutual agreement. There should be the minimum of delay in arranging meetings.

**4.5** The representatives on the joint committee will be as follows:  
Senior representatives of the College, Trade Union Side: representatives of ATL, AMiE and any other recognised unions.

For the purposes of developing local capacity to support members, the trade union side (with only one representative) can invite members to sit in and observe (with agreement with the college). These members can also be delegated to represent members when

necessary (eg. if the rep is absent, or if a member has specialist knowledge of current concerns).

**4.6** A full-time Union official may be present at a meeting of the committee in an advisory capacity subject to the agreement of all parties.

**4.7** College management will provide administrative support for the work of the joint committee, including the preparation of an agreed agenda based upon items submitted by either side and the keeping of minutes.

**4.8** Attendance and participation in the work of the committee shall be an approved duty with appropriate facility time being available as agreed by the College.

## **5 PROCEDURE FOR DEALING WITH UNRESOLVED ISSUES**

**5.1** It is agreed by all parties to the Agreement that every attempt will be made to use the procedures above to avoid dispute.

**5.2** Where there is a failure to agree or where both parties feel that a matter warrants it, the formal procedure for the resolution of collective disputes may be invoked by either party (see Appendix 1).

**5.3** Where the disagreement concerns the interpretation of a national agreement approved by the College, the Joint Secretaries of the appropriate national body may, if both parties agree, be requested to advise on resolving the matter.

## **6 FACILITIES**

**6.1** The College recognises that representative Trade Unions are an effective means of achieving constructive industrial relations and will therefore make new employees aware of the recognised Trade Unions within the induction process.

**6.2** Each recognised Trade Union will elect representatives in accordance with its rules. The elected representative must work at the College.

**6.3** Management will offer facilities within normal working hours for the election of representatives. Names of elected representatives will be given to the Principal as soon as possible after the election.

**6.4** Representatives will be given reasonable time off in accordance with the following provisions of The Trade Union and Labour Relations (Consolidation) Act 1992 (TULCRA) SECTIONS 168-170, The Health and Safety at Work Act 1974 (HASAW) and the ACAS Code of Practice entitled 'Time off for Trade Union Duties and Activities.'

Time off with pay will be dependent on whether the activities engaged in are Trade Union Duties or Activities.

This facilities time is for meetings with management and other trade union duties. This statutory time for reps is also matched with statutory time for Health and Safety reps and for ULRs.

Remission from teaching will be granted to the trade union on an annual basis with the formulation of 1 hour remission time given to every 20 members (or part thereof). However, the college acknowledges the need trade unions might have, in order to best represent members, to request further facility time in respect of the growth in membership. The college also acknowledges that time is allotted for health and safety reps and ULRs from each of the trade unions in order for them to properly discuss with the college health and safety and union learning needs.

The college can request (at extraordinary times) that the availability of H&S and ULRs, as well as trade union representatives, is extended to cover issues that significantly affect the life of the college.

**6.6** Additional release from normal duties will be granted for representatives' training needs, democratic participation in the trade union at regional or national level (eg conferences, regional events). Such requests must be made in good and reasonable time before any commitments are made which involve absence from College. However, the college will observe in good faith such requests and will help support any alternative arrangements that need to be made to support such attendance eg cover, alternative class time or set work.

**6.7** In accordance with the recommendation of the ACAS Code, Trade Union representatives will be provided with dedicated office space for their use which is adequate for consultation and small meetings and which affords secure accommodation for files and administrative work. Reps will be able to make reasonable use of photocopiers, stationery, external telephone calls, e-mail/internet access and similar items.

## **7 DISCLOSURE OF INFORMATION**

The College recognises that employee representatives are entitled to be provided with relevant information concerning the College in accordance with Section 181 of the Trade Union and Labour Relations (Consolidation) Act in order to carry out their collective bargaining activities.

## **8 VARIATION AND TERMINATION OF THIS AGREEMENT**

**8.1** Variations can be made by agreement between the College and the recognised Trade Union(s).

**8.2** The College or Trade Union(s) can terminate the Agreement by giving six months' notice in writing.

## **APPENDIX 1: Guidance on Collective Disputes Procedure**

**1** A collective dispute concerning issues of a general nature, usually involving conditions of service, which are of concern to a number of staff within the College.

**2** The issues may be put into formal procedure for resolution where there is a failure to agree or where both parties feel that a matter warrants it.

**3** The College and the recognised Trade Union(s) should agree a formal procedure for resolving collective disputes, which will describe the machinery to be used when there has been a failure to agree at JCNC.

### **Appendix 1**

#### **Disputes Procedure**

##### **1. POLICY**

A dispute is a collective grievance raised by more than one member of staff.

The College attaches great importance to the establishment of clear procedures for settling disputes with employees which cannot be resolved through normal management processes.

##### **2. DISPUTES PROCEDURE**

Disputes should be settled through JCNC where possible but should this fail, the dispute should be referred to ACAS:

- by either party to the dispute for conciliation
- by joint agreement of the parties to the dispute for arbitration

##### **3. STATUS QUO WORKING**

The status quo working arrangements, that is the conditions in place immediately before the dispute was raised, shall operate until the agreed disputes procedures have been exhausted

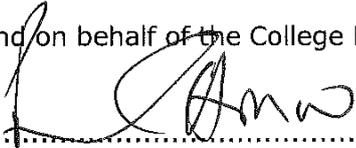
##### **4. TIME LIMITS**

It is in the interest of both the College and its employees that disputes should be resolved quickly. The College believes that a dispute should be resolved within six weeks of the date it was lodged.

**JOINT RECOGNITION AGREEMENT**

**SIGNATORIES**

For and on behalf of the College Further Education Corporation:

  
.....

Date: 13/4/18

For and on behalf of NEU

  
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Date: 2/5/18