

## **2166 Ratification of Staff Protocol**

Proposed: India Edwards, Chair of Trustee Board

Seconded: Madeleine College, Postgraduate Education Officer

### **Union Notes**

1. Bye Law 7 focusses on the relationship between employed staff and the members of the Union.

### **Union Believes**

1. In the spring during the debate over the new Student Leadership Review a debate emerged on the role of staff in supporting the development of Policy.
2. At the time we committed to a redraft of the staff protocol to make it much clearer and remove ambiguity.
3. There is also a need to align the appeal process with regulation emanating from the Education Act 1994 which gives members the right of appeal to the University should they be dissatisfied.
4. It has been rewritten from the ground up to provide clarity to staff, officers, reps and members.

### **Union Resolves**

1. To delete all of Bye Law 7 and replace with the following
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### **Preamble**

1. The Union is established as a collective self-governing organisation of its members.
2. Central to the resources of the Union are the employed staff who provide for continuity, long-term planning, professional advice, managerial expertise and day-to-day operation and implementation of policy.
3. The purpose of this protocol is to regulate and provide policy on the effective management of accountability between the members, office holders and staff.  
For the purposes of this Protocol, Full-time Student Officers of the Union are not considered to be employed staff.
4. This Protocol will apply to student employees as staff during the hours at which they are at work. Additionally, student employees are not permitted to raise issues relating to their employment in any Students' Union meeting.

### **Principles**

5. In common within many political and membership governed organisations, it is important to clarify expectations surrounding the working relationship between employees, office holders and members.
6. It is important that the accountability relationship is respected, particularly when commenting on performance or work in public. The principles should be applied in all appropriate settings.
7. It is important that this protocol does not rule out a constructive day to day working relationship or effective communication between members, office holders and staff. To this end, members, office holders and staff are expected to uphold the principles of appropriate accountability within a culture of mutual support and respect.
8. It is recognised that in a democratic environment, members, office holders and/or staff should feel able to critically appraise the work of UEASU and each other, but this should be through appropriate channels as set out within this protocol.

### **Definitions**

9. A member shall be defined as the description of ordinary student or associate members in the articles.
10. Staff shall be defined as staff, managers, directors, temporary staff and contractors under contractual obligation to UEASU.
11. Office Holders shall be defined as all Full Time Officers, Part Time Officers, trustee or elected committee members throughout the organisation.

### **Intentions**

12. It is the specific intent of this agreement to ensure that the Union shall:
  - a. comply with employment legislation at the time being in force and any future legislation concerning the employment of staff;
  - b. empower the Trustee Board to act with the full authority of the supreme body of the Union subject to Policy, the Articles of Association and these Bye-Laws;
  - c. protect individual employees from breaches of reasonable confidentiality in respect of personal affairs and ensure that staff contractual matters are dealt with only by the Union's authorised agents;
  - d. protect the Union from any interference in the conduct of its democracy by employees;
  - e. strive to be an Equal Opportunities employer;
  - f. maintain sound employment practices and good staff relations.

### **Trustee Board**

13. The Trustee Board shall have responsibility for staff matters, but may delegate this power to the Management Committee or a committee set up for this specific purpose. Trustees shall:
  - a. determine the agreed staffing establishment;
  - b. take into consideration recommendations on staffing matters made by ordinary members via the democratic processes as set out in Bye-Law 1: Democratic Processes;

- c. oversee and implement the Union's Terms and Conditions of Employment;
- d. ensure that there is an annual review of staff;
- e. ensure effective relationships with Trade Unions when appropriate;
- f. and process all other staffing matters for which formal lines are not laid down either in this or other written documents.

### **Role and Responsibilities of Staff**

14. Staff are employed to carry out work on behalf of the Trustee Board and to implement policy as directed by the student leadership of UEASU.
15. Formally, staff are accountable to a designated line manager who in turn is accountable through the organisational structure to the Chief of Staff, who is in turn accountable to the Trustee Board through the Chair of the Board.
16. Staff duties and responsibilities are governed by job descriptions and the line of accountability is an agreed term of employment and should be respected at all times and in all settings when staff are engaged in work on behalf of UEASU.
17. Through the annual planning cycle, performance management systems and appraisal scheme staff agree annual objectives with their line manager and performance is measured largely against delivery of these objectives in a manner that is consistent with UEASU values.
18. Staff are employed subject to freely negotiated agreements between the Trustee Board, management and the recognised staff trade union. This protocol does not affect these or any other conditions of employment nor does it diminish any rights which staff have by virtue of their membership of their trade union(s) or relevant employment legislation.
19. Staff will never become involved inappropriately in the democracy of UEASU; they will refrain from public participation in, or comment upon any democratic structures including elections, SOC, committees, council and referenda.
20. This will not prevent staff from supporting elected officers to carry out their duties, fulfil manifesto promises, implement policy or develop policy.
21. Nor will it prevent the need for staff to support democratic processes where required as part of their role.
22. Staff must not under any circumstances show public support or favouritism for any specific candidate(s) within elections. It is acceptable for staff to promote the process and the elections in general encouraging participation, but care must be taken to do this from a neutral perspective.
23. It is expected that staff will respect and maintain the integrity of the democratic governance of UEASU. If a decision is made or policy set by the Trustees, SOC or Council it would be unacceptable for an employee to publicly criticise, challenge or undermine that decision or policy, through any form of media, including social media.
24. Staff will not publicly criticise any officer or member of UEASU, unless such criticism has been established as UEASU policy or unless a member of staff has been commissioned to do so as an agreed part of their role.
25. If staff have any concern or issue regarding their employment terms, conditions or benefits, this must always be addressed through the line management structure, in the first instance with their line manager and then through grievance procedures.

26. Employment grievances must not under any circumstance be raised directly or indirectly with members or officers of UEASU.
27. Staff will not comment to representatives of the media, including student media, on policy or employment issues.

### **Responsibilities of the Union**

28. Except as otherwise indicated, the Union shall under no circumstances permit any public discussion of matters relating to the responsibilities, Conditions of Employment, performance or conduct of members of staff in:
  - a. meetings, informal or formal, with members of the Union or University;
  - b. any Union media, including student media, correspondence or publications of any kind.

### **Complaints by Staff**

29. Any member of staff having cause for comment on a matter relating to a member or a group of members' behaviour shall raise that matter with the Union's Chief of Staff, who shall refer it to the Campaigns and Democracy Officer for investigation and appropriate action under Clause 24 of the Articles of Association.
30. Any member of staff having cause for comment on a matter relating to a Student Officer or group of Student Officers' behaviour shall raise that matter with the Union's Chief of Staff for investigation. If it is deemed by the Chief of Staff to merit action, they shall confidentially refer it to the Trustee Board. The Trustee Board can, at their sole discretion, decide whether to use their powers under Clause 24. They can also decide whether the matter is severe enough to merit raising the issue with Union Council. Union Council can then decide whether to take appropriate action under Bye Law 4, Clause 26.
31. Any individual member of staff having cause for comment on a matter relating to them as an individual member of staff or to another member of staff shall raise the matter through the management structure in confidence, and whenever appropriate in confidence with the Union's Chief of Staff.
32. Where staff are appointed by the Chief Returning Officer or the Supervising Trustee to undertake duties as election officials, investigating officers, disciplinary panel members or duty managers with the power to exclude students from events or venues, they are doing so under the auspices of those officials and express views on members only that context. The Chief Returning Officer or the Supervising Trustee remain the publicly accountable officials in these contexts.

### **Complaints by Members**

33. Members and officers should never name individual staff or groups of staff when directly criticising the work of UEASU in public.
34. Members and officers should take due care to identify the political responsibility for the area of work identified for criticism and to frame criticism (positively and/or negatively) in such a way as to protect staff.

35. Should there be any occasion when a member of UEASU wishes to raise a criticism of a member of staff, a group of staff or "the staff of UEASU" this procedure should be followed:
  36. The matter should be raised with the Chair of the Trustee Board, who will then refer the matter for initial investigation to the Chief of Staff. In the event the matter relates to the Chief of Staff, the matter will be referred to an external Trustee or external Trustees for initial investigation.
  37. The CEO or External Trustee as appropriate will be responsible for ensuring that the matter is discussed through the established structures with the staff member(s), in consultation with the staff trade union where appropriate
  38. Where the initial investigation reveals that a disciplinary matter may have occurred, the normal disciplinary procedure will apply.
  39. A reply to the member will be conveyed through the Chair of the Trustee Board.
  40. If the member remains dissatisfied with the reply, an appeal can be lodged with the UEA Student Services department in accordance with the relevant stage of the UEA/SU Code of Practice.
  41. Given that contractually, staff do not have a right of reply in public or democratic forums, where members fail to abide by this procedure, the matter will be dealt with via the code of conduct and shall be considered as harassment.
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