

Bert Clough

The role of union learning representatives and their impact on England's vocational education and training system

This paper outlines the origins and development of union learning representatives (ULRs). It summarises recent research on their profile, role and impact. ULRs have been increasingly recognised by government as intermediaries that can engage with “hard-to-reach” employees and help stimulate and meet their demand for learning and skills. The paper also considers the role of the ULR in relation to trade union representative and public administrative functions. It concludes that a statutory framework is now required which optimises union and ULR leverage on employers over the provision of learning and skills.

In the UK, unlike in many northern European states, social partnership in education and training has been underdeveloped. This reflects both the nation's relatively unregulated labour market particularly over the last couple of decades and the adversarial nature of industrial relations. With the election of a Labour government in 1997, there has however been increasing recognition of unions as stakeholders in learning and skills policy.

Bert Clough, Research and Strategy Manager to the TUC's Unionlearn, London, UK
bclough@tuc.org.uk

Transfer of learning and skills policy to the devolved authorities in Scotland, Wales and Northern Ireland has resulted in different vocational education and training (VET) systems and partnerships although union learning representatives (ULRs) are a feature of all these partnerships. This paper however outlines the role, profile and impact of the ULR in the context of the English VET system. In England, there have been constant changes to the government departments responsible for learning and skills since 1997 – from the Department for Education and Employment

(DfEE) to the Department for Education and Skills (DfES) to the Department for Innovation, Universities and Skills (DIUS) and to the recent merger with the Department for Business, Enterprise and Regulatory Reform to form a Department for Business, Innovation and Skills (BIS).

There is little social partnership in relation to policy making over VET, with no devolved policy making to tripartite bodies (representing union, employer and educational interests) as there was in the 1960s and 1970s. It has been argued that VET policy making has been increasingly centralised and delivered at local and sector levels through employer-led bodies with minimal union representation (Clough, 2008). At sectoral and workplace levels there is little collective bargaining over training and no statutory underpinning for such bargaining. Partnership with unions over learning and skills has however been an important strand of the Government's lifelong learning strategy although this is very much restricted to delivery at the workplace. New Labour has intervened where there is perceived market failure over skills, particularly at the lower end of the labour market. The Government has seen the role of unions as helping their members access learning opportunities established through such interventions. This enhanced role has been supported by a number of government measures to increase union capacity over learning and skills. An important dimension to this has been the development of union learning representatives. Over 24 000 ULRs have now been trained and provide a range of services to their members, particularly information and advice over learning.

It is useful to consider the role of the ULR in relation to the union functions identified as service, representative, regulatory, government and public administration (Ewing, 2005). Ewing identifies skills and training as areas where "the government has enlisted the assistance of the trade unions to act effectively as agents of the State to help improve matters" and categorising ULRs as having a public administrative function. ULRs can and do however accrete some of the other identified functions.

Green shoots in a cold climate

Although ULRs are an important feature of the Labour government's VET system, their origins lie in the anti-union Conservative era. Under the Conservative administration, pragmatic partnerships began to form between the TUC and the Government's local employer-led agencies, Training and Enterprise Councils (TECs). These partnerships were based on mutual interest in developing the workforce. The projects were generically named "Bargaining for Skills". Although this title was really a misnomer; they were more about increasing the capacity of unions to enhance employee demand for learning and skills than helping them exercise leverage on employers to train their workforce. The reason why TECs

established the projects was that they could help meet some of their targets within their contracts with government. Their activities covered awareness-raising events for union officers concerning programmes such as national vocational qualifications (NVQs), Modern Apprenticeships and the Investors in People corporate standard and their contracts often stipulated numbers of employees covered by such activities. In those regions such as the North West where TECs worked together, they funded regional projects. The scope of the projects were by their very nature limited to the TEC agenda; with project workers trying to use the projects to promote the wider trade union agenda of lifelong learning. With the election of a Labour government with a much more inclusive view of lifelong learning, TECs needed to adopt this new agenda. Bargaining for Skills projects were used by TECs to promote and deliver government initiatives such as individual learning accounts. The TUC devised a number of course modules for union representatives to support the work of the Bargaining for Skills projects. These included modules on awareness of the Investors in People standard and NVQs. In addition, some union representatives took up NVQ assessor qualifications in order to help them support union learners going through the NVQ assessment process. These modules were offered in those regions where there was considerable Bargaining for Skills activity. This was the beginning of the training and developing of what were to be designated as union learning representatives.

Return to Learn

Some unions established their own innovations which included the development of learning representatives. Return to Learn was initially set up by the National Union of Public Employees in the West Midlands and extended nationally by its successor, UNISON, from the mid-1990s. The courses cover basic skills, women's studies and are very much about confidence building. The programme is targeted at groups of workers such as women, part-timers, the low paid, black workers and manual workers. The course is delivered by the Workers' Education Association and takes approximately nine months to complete resulting in accreditation. A key component is the peer support that learners have in the form of access to "local education advisers". Many of them have gone through the programme and have subsequently been trained by the union to give information and advice to new entrants; thus creating a cascade effect. This training programme along with that of Bargaining for Skills led to formal training and support of ULRs. Public sector employers such as local authorities and hospital trusts have seen the direct and indirect benefits of their workers going on the programme and some have reached agreements with UNISON on the provision of paid time off to attend Return to Learn courses.

The rise of the union learning representative

In 1997, the TUC General Council established a Learning and Services Task Group “to develop practical proposals for implementation which are designed to provide a high profile role for the TUC and trade unions as providers and/or facilitators of vocational and other learning opportunities for members and potential members”. Its report was to be seminal, since it was published in the first year of the Labour Government. A key aim was to formalize and extend union representatives with a learning role. The report proposed a national network of ULRs, with clear roles and supported by accredited training (TUC 1998).

The development of ULRs was given a considerable impetus by the state in two ways. The Green Paper, *The Learning Age*, led to the DfES establishing the Union Learning Fund (ULF) in 1998 which substantially increased union capacity. Amongst its key aims are to ensure that learning and skills are core activities for unions and to develop the key role of ULRs in raising employee demand for learning, especially those with low or no qualifications. ULF projects have supported 720 000 learning opportunities since the fund was set up. Many of the union-led projects have trained and supported ULRs (about 13 200) as well as establishing union learning centres and facilitating learning agreements signed between unions and employers, many of which have strengthened the ULR role at the workplace.

Towards statutory recognition of ULRs

The second state intervention was giving statutory recognition to ULRs. Underpinning union negotiation and representative activity at the workplace in the UK is statutory recognition of union representatives. Since the former Labour Government’s Employment Protection Act 1975, trade union officials have had a statutory right to reasonable time from employment to carry out their union duties and to undertake trade union training. These rights exist in respect to those matters in which the union is recognised by the employer for the purposes of collective bargaining. When a critical mass of union learning representatives had been trained and supported, mainly the result of ULF projects, it became apparent that there were problems for ULRs accessing training and especially carrying out their functions. According to a TUC commissioned survey, 79 per cent of ULR respondents stated that they had faced some form of difficulty in carrying out their role. These included lack of time for learning representative activity and lack of management support (York Consulting, 2000). The TUC thus argued the need for ULRs to be put on a similar statutory footing as union representatives as a whole. In spite of some employer opposition to statutory rights for ULRs, the TUC and its unions were successful in achieving their objective. The Employment Act 2002 set out a number of ULR functions:

- Analysing training needs
- Providing information and advice on training
- Promoting the value of training
- Arranging training
- Consulting the employer over these activities

ULRs carrying out functions in recognised workplaces have the right to 'reasonable' paid time off to train and carry out their functions on the similar lines as union representatives in general. The condition to be granted paid time off for ULR work is that they are sufficiently trained to carry out their duties, through accessing relevant training. This training is mainly provided through TUC Education, leading to accreditation through an awarding body, the National Open College Network (see below). A union member also has a right to take time off in working time to contact his/her ULR, although the employer is not obliged to pay them during this contact time. Interestingly, although the ULRs statutory rights are in relation to supporting union members, a substantial proportion of them provide assistance to non-trade unionists at the workplace. This identifies the potential of union learning for union renewal in the workplace (Moore 2009). Advice on how union and employers can best manage this process is set out in a code practice of the Government's Advisory, Conciliation and Arbitration Service (ACAS 2003). The code also stated that there could be "positive advantages for unions and employers in establishing agreements on time off for ULRs and individuals, which reflect their own situations". The TUC and its unions have argued that agreements on learning would be strengthened through the establishment of a joint union/management learning committee. This position has been supported by the Chartered Institute for Personnel Development (CIPD 2004).

Support for ULRs

The effectiveness of ULRs depends very much on the training they receive from the TUC or their union. Many of them take courses at trade union education departments in local public colleges run by a TUC tutor. Some of these are delivered online with trained tutors, materials and support for learners including online discussion boards. Of the 57 700 union reps that the TUC trains each year over 4 300 are doing the ULR initial course or follow-on modules which are built around the statutory functions. The initial training is over five days with the core unit being Getting Organised and one optional unit from Working with Members or Working with Employers. The follow-on modules are mainly three day programmes and include: Developing Workplace Learning, Supporting Learners, Skills for Life (numeracy and literacy) and the Union Role, Mentoring and Coaching Skills for Union Reps, Negotiating with Employers on Learning,

How to Work with Providers, Learning and Organising, and Supporting Learners into Higher Learning.

There are also a number of resources to support ULRs in their role including an electronic tool designed by the TUC's unionlearn that holds information about a range of learning themes and opportunities. It can also be used by ULRs to sign members to relevant learning opportunities.

Profile, role and impact of ULRs

A unionlearn commissioned survey in 2007 revealed a number of issues concerning ULRs (Bacon & Hoque 2009). A positive finding was that ULRs are becoming more representative of the workforce than union representatives as a whole. Although the average age is 48 years and over one half are male (58 per cent), the demography of the one-third ULRs who did not previously hold another union post is markedly different. These "new activists" are more likely to be female (52 per cent) and are more likely to be under 40 years old (25 per cent in comparison with 11 per cent of ULRs that held a previous post). As many as 85 per cent of ULRs provided information/advice on learning; 59 per cent arranged courses and 47 per cent conducted learning needs assessment. The survey revealed considerable disparities however over the time spent on these activities. Almost one quarter of ULRs spent more than five hours a week but one third spent less than an hour. These differences are likely to be linked to the level of employer support ULRs receive. There had been an increase in the proportion of ULRs paid for all their time they spent on their functions as the statutory rights gradually take effect (57 per cent in 2005 to 68 per cent in 2007). But more than one third of ULRs reported that employers still do not pay for any time they spend on carrying out their role. There appears however little problem in ULRs getting time off for training for their role; with 98 per cent reporting having attended initial training courses.

An important issue arising from the research was the relationship between the union rep/ULR and the manager. In workplaces with ULRs, only 15 per cent of managers negotiate with union representatives over training issues, 22 per cent consult with them, 17 per cent just inform them and 45 per cent do not involve them at all.

The added value of union and ULR involvement is demonstrated by an analysis of the Workplace Employment Relations Survey. It found that where a workplace has ULRs, recognition and a representative structure, employees are almost 15 per cent more likely to report receiving training (Stuart & Robinson 2007). Yet training is negotiated in less than one in ten union recognised workplaces.

The Labour Government has to date resisted union pressure to make training an issue over which unions have the right to bargain in union recognised workplaces. The evidence presented here, however, suggests that a statutory right for

unions to bargain over training could prove important in supporting the efforts of ULRs to increase employee participation in training (Bacon & Hoque 2009). Although there is clear evidence of the positive impact of ULRs this is limited by a number of factors, many of which are linked to employer support (Bacon & Hoque, 2009). They include the following: the amount of time spent on performing ULR activities; the range of activities ULRs are involved in; whether they are involved in a Union Learning Fund project; whether there is a learning centre in the workplace; whether managers value the role ULRs play; and whether managers negotiate and consult with them over training.

ULRs and the Government's skills strategy

There are a number of government initiatives that ULRs have been involved in delivering for their members. The first was Individual Learning Accounts (ILAs) which were built on New Labour's view that individuals are best placed to choose what and how to learn and that responsibility for investing in learning is shared with the state. The £150 million scheme initially involved TECs being required to put £150 from their reserves into each of the one million accounts with the employee contributing £25. Trade unions saw their role as helping to target accounts to those employees who had no or few qualifications. TECs were given the role of running 12 ILA pilots in 1998/99. A few of these involved trade unions and Bargaining for Skills projects, primarily targeting unskilled workers. After the millionth account was opened, a course discount operated. Policy failures followed. The universal approach led to an exponential take up of ILAs but with a resulting overshoot on the budget. The targeted approach had little impact except when intermediaries such as trade unions were used to introduce accounts to employees with few or no qualifications.

Another policy problem was that a significant number of unscrupulous providers miss-sold accounts and in some cases fraud even took place. This ultimately resulted in the Government closing the scheme in November 2001.

There were however no scams when unions were involved in brokering provision since this was done with recognised providers such as colleges. The House of Commons Select Committee on Education and Skills in its inquiry into ILAs recognised the positive role of unions.

Trusted intermediaries such as trades union learning representatives also had a part to play in the promotion of ILAs, which the TUC argued provided a kind of quality guarantee... The successes of trusted intermediaries, such as trade union learning representatives, should be taken fully into account in designing the new scheme. (*Individual Learning Accounts: Third Report of Education and Skills Committee HC561.1, paras 105-106*)

Another government initiative that unions and ULRs have been delivering has been online provision branded as “learndirect”. Courses are delivered in union learning centres. A government inspection of the network of union learning centres delivering learndirect awarded it a “good” grade and commented very favourably on the ULR role.

Support for learners is outstanding, and union learning representatives (ULRs) provide excellent peer support for learners. The ULR scheme is particularly effective, with over 20 000 volunteers trained in seven years as mentors, advocates, negotiators, role models and advisors across unionlearn’s provision. A well designed set of specialist qualifications empowers ULRs and equips them well to support learners. Regular supplementary training maintains their expertise. ULRs are highly effective as role models. Their own recent re-entry to learning gives them a good understanding of learners’ needs. They work very effectively with learners reluctant to participate or who have poor prior experience, and successfully promote learning to non traditional learners. Most ULRs work closely with tutors, effectively encouraging those learners making slow progress and motivating them to continue their learning. ULRs negotiate well with managers on behalf of learners, for example, to increase access to learning. Learners value their input highly and cite it as the most important element in their learning. Union learning representatives provide good information and advice on appropriate courses although information advice and guidance in centres is overall satisfactory. (*TUC Unionlearn (U-Net) Inspection Report 330986 Ofsted, February 2009*)

There are a number of other government initiatives that the Government has introduced which the Government has identified the role of ULRs in helping to deliver. The Skills Pledge is a voluntary, public commitment by the leadership of a company or organisation to support all its employees to develop their basic skills, including literacy and numeracy, and work towards relevant, valuable qualifications to at least Level 2 (equivalent to the school leaver qualification at 16). For those employees who do not already have a full Level 2 qualification, the Government provides funding to help them gain basic literacy and numeracy skills as well as their first full Level 2 qualification. ULRs have been identified by the Government as having a role in take up of the Skills Pledge.

We will encourage Union Learning Representatives to work with employers to make the Skills Pledge, to draw up action plans for delivering the Pledge, and to help more employers and employees to access funds for training.

(World Class Skills: Implementing the Leitch Review of Skills in England, DIUS 2007)

A new measure could enhance the role of the ULR in helping union members access these entitlements. In 2010 the Government enacted legislation whereby an employee would have the right to request training from the employer who would have a duty to consider such a request. Time to train would not be seen as a right for employees to have the request for training granted since the employer could refuse on a number of business grounds (DIUS 2008). Employees could ask to be accompanied by a union learning representative to any meeting with their employer about the request.

There will be no legal requirement for employers or employees to engage with their unions and Union Learning Representatives on time to train but we know that many will wish to do so, linking time to train with their wider approach to considering skills needs in the workplace. Employees will have the right be accompanied in any meeting they have with their employer about a request for time to train, and may choose to ask their Union Learning Representative to provide them with that support. *(Time to Train: Consulting on a new right to request time to train for employees in England, DIUS 2008)*

Role of ULRs within their unions

Another factor determining ULR impact is union commitment to union learning. Unions need to be convinced that learning strategies strengthen their organisation through increasing union member activism and are not just an add-on service for members. Recent research suggests that unions are increasingly promoting a relationship between learning and organising at national, regional and branch levels (Moore, 2009). Unions are integrating learning and organising within their departmental structures at national level; embedding learning activities in specific campaigns; and designating union learning project workers as organisers. There have also been moves to integrate ULRs into union structures.

ULRs are firmly part of the organisational structure at the workplace. They are not seen as separated and isolated. (National Official, Unite)

What we're saying to branches is that the best way forward is to ensure that you've got a learning rep on your branch committee. In that way, your learning rep is aware of the industrial issues that are going on and your industrial reps are aware of what's going on through learning and what the

potential is. (National Manager, Communication Workers Union) (*Integrating union learning and organising strategies*. Research Paper 8. Unionlearn)

In the Civil Service union (PCS) ULRs have to be nominated by branches and a new branch learning co-ordinator role has been created to link the learning agenda more closely to the branch agenda. In the public sector workers union (UNISON) the ULR role is now defined in the rule book and branches have elected lifelong learning co-ordinator posts – branch officers who lead on learning and organising. Unions are thus beginning to integrate learning with their organising efforts and focusing on learning not just a recruitment tool but as a vital component in rebuilding and revitalising their union organisation (Moore, 2009).

Conclusion

Under the Labour Government, unions and their ULRs have had to dovetail into what is essentially a supply-driven VET system with policies and targets determined by central government and delivered by employer-led bodies. ULRs have been increasingly recognised as “trusted intermediaries” that can engage with “hard-to-reach” employees and help stimulate and meet their demand for learning and skills opportunities opened up through government intervention. Their activities encompass giving information and advice, arranging courses and conducting learning needs assessment. Their role has been seen by government as helping to deliver the national learning targets, particularly in respect to literacy and numeracy and low level vocational qualifications. Unions have seen this as an opportunity to facilitate a more equal distribution of learning opportunities and to tackle social exclusion. ULRs do act to help the state mitigate market failure over learning and skills and can thus be viewed as performing a public administrative function (Ewing, 2005). Nevertheless, ULRs will increasingly have a complementary workplace representation function in respect of individuals requesting training from their employer under the Right to Request Training legislation. Their collective representation function is however limited in the absence of any statutory right for unions to collectively bargain over training. Although the statutory role of ULRs does not include bargaining over training, almost two thirds of them hold another post such as a shop steward or branch secretary which may involve such activity. In workplaces where managers decide training issues in workplaces with ULRs, 22 per cent consult and 15 per cent negotiate with union representatives (Bacon & Hoque, 2009). This often takes the form of voluntary learning agreements and joint employer/union workplace learning committees.

The role of the ULR is thus very much framed by a partnership approach. It is an integrative rather than a distributive model based on co-operative rather

than adversarial relationships between unions and management. The model has been underpinned by considerable capacity building through government support such as the Union Learning Fund and the establishment of the TUC's learning organisation, unionlearn. An issue for the union movement however is how this union-led activity can be sustained during any possible future political and/or public funding changes. Another issue is the need for employers to be much more aware of the positive impact ULRs can make on workforce development and accordingly to increase support for them to carry out their statutory functions.

Union commitment to such models however is dependent on how the provision of such learning opportunities can strengthen their organisation and member activism just as trade union education has done over the years. That commitment will be demonstrated by how learning is integrated with an organising agenda and the status of ULRs within a union's structure.

Trade unions and their ULRs have a key role in the delivery of lifelong learning in its widest sense. This includes empowering members through political and social education as well as enhancing their skills and promoting their continuing professional development. Such learning has been an important seam running through the history of the union movement. What is required is a statutory framework for unions (and their ULRs) to negotiate with employers to meet the lifelong learning and skills needs of their members. It also demands a return to unions having a governmental function. They want to be more fully involved in the development of learning and skills policy through national, regional and sectoral institutions based on social partnership and not just limited to the delivery of initiatives. This is how the differing needs of the employer, employee and the state can be reconciled, brokered and funded effectively and equitably.

References

- Advisory, Conciliation and Arbitration Service (2004): *Time off for trade union duties and activities: code of practice 3*. London: ACAS.
- Bacon N, Hoque K (2009): *The impact of the union learning representative: a survey ULRs and their employers*. Research paper 9. Unionlearn.
- Chartered Institute of Personnel and Development (2004): *Trade union learning representatives: the change agenda*. CIPD.
- Clough B (2008): *Unions and learning: an historical overview*. Journal of In-service Education, vol 34, no 4, December, pp 399-422.
- Department for Education and Employment (1998): *The learning age: a renaissance for a new Britain*. London: DfEE.
- Department for Innovation, Universities and Skills (2008): *Time to train: Consulting on a new right to request time to train for employees in England*. London: DIUS.
- Department for Innovation, Universities and Skills (2007): *World class skills: Implementing the Leitch review of skills in England*. London: DIUS.
- Ewing K (2005): The function of trade unions. *Industrial Law Journal*, vol 34, no 1, March, pp 1-22.
- House of Commons (2001): *Individual learning accounts*. Third Report of Education and Skills Committee HC561. London: The Stationery Office.
- Leitch Review of Skills (2006): *Prosperity for all in the global economy - world class skills*. Final

- report. London: Department for Innovation, Universities and Skills.
- Lloyd C, Payne J (2006): *British trade unions and the learning and skills agenda: an assessment*. SKOPE Issues Paper 12.
- Moore S (2009): *Integrating union learning and organising strategies*. Research Paper 8. Unionlearn.
- Stuart M, Robinson A (2007): *Trade union recognition and collective bargaining: Findings from the 2004 workplace employment relations survey*. Research Paper 4. Centre for Employment Relations, Innovation and Change, Leeds University Business School. London: Unionlearn.
- Trades Union Congress (1998): *Union gateways to learning: TUC learning services report*. London: TUC.
- Unionlearn (2009a): *(U-Net) Inspection Report*. Ofsted.
- Unionlearn (2009b): *Year 3 Moving learning on: unionlearn annual report 2009*. London.
- Wallis E, Stuart M (2007): *A collective learning culture: a qualitative study of workplace learning agreements*. Research Paper 3. Centre for Employment Relations, Innovation and Change, Leeds University Business School. Unionlearn.
- York Consulting (2000): *Union learning rep survey*. TUC Learning Services.