

Derbyshire UNISON

# NEWS



Self-organisation in UNISON

School catering: pay in private companies

UNISON's quick guide to reasonable adjustments

Government's anti-protest crackdown plans rejected

Modern Ways of Working / Agile working

Levelling Up White Paper leaves low paid

workers behind

February 2022

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Derbyshire

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# DERBYSHIRE'S VIRTUAL ANNUAL GENERAL MEETINGS



**Thursday 31 March 2022**

**D**erbyshire UNISON is holding its AGM virtually on Thursday 31 March. There will be two meetings on the same day - 12-2pm and 4-6pm - to allow most members to attend.

The meetings will be held via Microsoft Teams. Please complete the form at [derbyshireunison.com/events.html](https://derbyshireunison.com/events.html) or email your preferences to [branch@unisondc.co.uk](mailto:branch@unisondc.co.uk) and we will send you the invite at the appropriate time.



## JEANETTE LLOYD

*is the Derbyshire UNISON branch secretary*

**W**elcome to the first Derbyshire UNISON News of 2022 as I promised in an all-members' email before Christmas. I hope you find it full of useful information and interesting articles.

We are always looking for fresh ideas and interesting angles to publish in future editions, so if you would like to share anything with us, or need us to look at something up closer or in depth that you think may be interesting to other members, please let us know.

### **A very difficult year**

There is no doubt 2021 was a very difficult year for most

# PROTECTING PUBLIC SERVICES

workers. The continuing pandemic meant – again - many of our members who are frontline workers had to deal first-hand with the crisis and, occasionally, the heartache.

Derbyshire UNISON is immensely proud of those frontline workers and I pass on our heartfelt appreciation to you all. And this also includes those of you who don't always get the plaudits for working behind the scenes, maintaining public services and keeping the communities we live in afloat. Not everyone is a care worker but every Derbyshire UNISON member cares.

Without you, public services wouldn't exist; without public services there would be no UNISON. It is a continuing shame that those who govern fail to recognise the role ordinary workers play and expect the majority to live from hand to mouth. We deserve more!

## **Recognising some of our members' hard work**

During Stars In Our Schools week in November, hundreds of special Derbyshire UNISON certificates of commendation for every support worker were sent into schools. Hopefully, these certificates are now being proudly displayed in every Derbyshire school. If your

school isn't displaying one, speak to your headteacher and let us know.

We also ran a stall in Chesterfield town centre with members of the public queueing up to sign a huge thank you card to school staff. (Ablly modelled - below - by Evie, the daughter of a UNISON staff member).



And just before Christmas we sent thank you cards into every council residential care home, thanking social care staff for their continued dedication to public services, particularly since the pandemic began in March 2020.

I know these small gestures only touch the surface and have only targeted a handful of all the hardworking, overworked, individuals out there but I genuinely want to thank



every single one of you, whether you're working for a council, a private care firm, an academy trust, a charity or with any other of the hundreds of different employers in which we organise in Derbyshire.

## Fighting discrimination

We have a whole feature in this edition that is particularly close to my heart. In July 2019, literally overnight, I developed a condition that caused me to permanently lose 85% of my eyesight, throwing me into a world where, as now being visually impaired, I needed to know very quickly what was available to support me as a disabled worker, from knowing my rights at work to simply finding out what equipment could enable me to continue working. I hope you will find this article helpful. We would like to hear from you if you have any stories about your disability you would like to share – good or bad.

This brings me nicely on to the article on self-organised groups. Within UNISON, these are safe spaces where members with similar issues and experiences can come together. We urgently want to get these groups back up and running in Derbyshire. Why not get involved?

## The year ahead

Finally, I just want to draw your attention to the branch AGM. This will take place virtually on 31 March 2022. (Please see the item on Page 3).

The beginning of the new branch year will see me taking up the position of your branch secretary for the thirteenth consecutive year. Traditionally the number 13 is associated with bad luck. With all the issues we still have to face this year, including ongoing concerns with COVID-19, massive spikes in energy prices and inflation affecting all of us, and a government showing, at best, poor leadership, you may think the number 13 has struck again!

However, 13 can also be a lucky number. I will continue to lead the branch in its cause of fighting for the rights of every member, ensuring all members are protected at work – and outside. As I have always said, and pride myself on, I will continue to make myself available to every single member. Feel free to speak to me directly at any time.

Together we are stronger. That is whether we are fighting discrimination, campaigning for better pay and conditions or demonstrating for public services. If you do just one thing in your workplace after reading this Derbyshire UNISON News, then make sure it is telling a non-UNISON colleague why they should join.

*Jeanette*

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# SELF-ORGANISATION IN UNISON: What it means and how you can get involved

## Fighting for fairness and equality

Everyone is entitled to be treated with dignity and respect. The ability to live and work without prejudice is a fundamental right, regardless of your background, identity and experiences.

One of UNISON's main aims is to help workers fight for fairness and equality in the workplace and beyond. Challenging discrimination and winning equality is at the heart of everything UNISON does.

UNISON has a history of winning on equality. We continue to fight against discrimination wherever we encounter it and regularly help

members challenge unequal or unfair treatment, including all forms of prejudice and discrimination, racism, bullying and harassment and equal pay.

Besides the right not to be discriminated against or bullied, fair treatment also includes dignity at work, access to opportunities and equal working conditions and pay.

## The right to fairness and equality

Employees are protected against discrimination and unfair treatment by the Equality Act. The Equality Act contains something called the public sector equality duty, which requires



**JOHN COWINGS**

*is Derbyshire UNISON's equalities co-ordinator*



**UNISON EQUALITY GIVING MEMBERS A VOICE**

public bodies to actively promote equality and eliminate discrimination.

If a member has been discriminated against or treated unfairly at work, UNISON assists with their individual cases. We also seek to negotiate with employers on a collective basis, to make them more aware of the law. This is why we constantly urge workers to join UNISON – if we are many, employers have to listen to us!

The Equality Act makes it unlawful for employers to treat you unfairly because of:

**age;**  
**disability;**  
**gender reassignment;**  
**marriage and civil partnership;**  
**pregnancy and maternity;**  
**race;**  
**religion or belief;**  
**sex;**  
**sexual orientation.**

It is also unlawful for employers to have a rule, policy or practice that someone is less likely to be able to fulfil than other employees because of one of the reasons above.

## How UNISON fights for fairness and equality

UNISON has a number of self-organised groups where members who may face double (or more)

oppression in society in general because of their identity can meet together in a 'safe space' and discuss how to fight back against such discrimination.

These groups - for black members, for disabled members, LGBTQ+ members and for women members - are integral to UNISON and operate at a national and regional level. Derbyshire UNISON wants to relaunch our local self-organised groups and have been approached by some members – not previously active in UNISON – who may want to get involved.

The aims of the groups are not to separate issues off but to discuss ways of uniting all members around an anti-discrimination stance through explanation, campaigning and winning victories for UNISON members.

As the branch's equality co-ordinator, I will oversee the whole process and provide direction and

help but we want so-called ordinary members to have the confidence to be involved and to feel they have a role to play.

## Can you get involved?

To get these groups off the ground we are inviting members who would like to get involved to contact us. That first contact may just be you wanting to talk to me about how you can help or what it might mean. You can reach me either at

[john.cowings@unisondc.co.uk](mailto:john.cowings@unisondc.co.uk) or via the [contact form](#) on our website

Look out for details of relaunch meetings over the coming months which will be widely advertised including from the pull-down menu at the Get Involved section of our website [derbyshireunison.com](http://derbyshireunison.com), which is being overhauled in the next few weeks to include far more equality information.

**Click here to sign up to  
UNISON's Equality E-Bulletin**



# PAY NEWS IN BRIEF

## NEC vows to continue campaigning on pay

UNISON's national executive council (NEC) discussed at length the result of the recent NJC strike ballot, which was in favour of taking industrial action but failed to meet the government's 50% turnout threshold. Despite the low turnout, it was confirmed that "pay is still our number one priority".

The general secretary said the union would continue to vigorously campaign on pay and would be reaching out to members and asking them what would motivate them to return ballot papers in the future. UNISON would be working collaboratively via the TUC with other unions on the impact of pay across both private and public sectors.

The NEC also discussed work around analysing pay rounds and the data on pay settlements so that the union could learn how to campaign more effectively on pay in the future.

## Vertas refuse to shift on inadequate 2% offer

Vertas Derbyshire Limited (VDL) have responded to the unions' pay claim, the details of which were circulated to members and which can be found at our website.

In refusing to move from their initial 2% offer, they said "VDL operates as a contract based organisation and therefore we have to balance what our public sector customers

can afford against VDL business affordability".

UNISON members were not slow to recognise their pay rise was even lower than workers within Derbyshire County Council, the organisation they were forcefully transferred out of in 2020.

## EMH disappoint over pay

Pay is separated in East Midlands Housing with the social care staff in a separate bargaining unit. Negotiations in this unit are yet to commence as financial information is still being awaited on money available from local government.

However, all participants in the set-up for the rest of EMH were disappointed at the first suggestions for a figure this year. Most people have suffered from inflation rises and are expecting the double whammy of NI increases and fuel costs to hit in April.

A suggestion of a below inflation 'settlement' is inadequate. We are

due to recommence discussions on 1 March.

## Members at the Tramway Museum angry at pay offer

UNISON members at the Tramway Museum in Crich feel let down at the pay offer they've received for the pay year starting November 2021.

The offer was 1.25% plus an unconsolidated sum of £500 (pro rata).

Whilst UNISON is pleased the employers continue to pay the 'real living wage' rather than the recognised lower national minimum wage for the lowest paid, the majority of staff will lose out with the 1.25% immediately eaten up by the NI increase.

Further talks are being held.

## Caterlink / ABM / Mellors claim

See Page 12



# OTHER NEWS IN BRIEF

## Derbyshire County Council: Modern Ways of Working

The council's Modern Ways of Working project – which is part of an overall cost-cutting strategy developed a year prior to the pandemic - is an emotive issue, with members having polarised views. Derbyshire UNISON's own survey, which produced a very good response, made that abundantly clear. The issue of home working is the most controversial and UNISON realised early on that the majority of members would prefer a 'hybrid' system of working, rather than anyone being forced to work from home.

UNISON is meeting regularly with the council to discuss the early stages of this part of their strategy and arguing that flexibility is a key issue. As part of Modern Ways of Working, the council are seeking far wider use of home working than existed pre-Covid. UNISON will continue to negotiate from a standpoint that home working is seen as an option rather than a necessity. So far, the council have agreed there should be a balance between home and office-based working with arrangements agreed between the employee and their line manager.

If you feel you will be expected to work all of the time from home or, alternatively, not be given the opportunity to do so when you feel your job could be operated in that way, you should contact Derbyshire UNISON.

There is, of course, much more to Modern Ways of Working than just home working, all of which we continue to negotiate with the council when the time arises.

## Agile working introduction in High Peak Borough Council

Derbyshire UNISON and Staffordshire Moorlands UNISON have signed off a new agile working policy with the local councils in High Peak and Moorlands.

These types of policy seek to ensure there are a variety of working methods available for as much as the workforce as possible, with some changes to workplace and work times recognised as being advantageous to both employer and employee.

Where it is possible for a number of different styles of working, we sought to ensure there was an agreed and common policy to prevent discriminatory practices occurring between teams or services of the council.

The policy also seeks to 'overrule' any individual preferences of

managers because they don't think a certain system of working achieves the best output or productivity – if it is possible in one area of work, the views of any managers 'up the line' should not impede this.

UNISON has attempted to introduce as much flexibility into working lives as possible whilst maintaining longstanding (pre-Covid) working patterns and practices for members who feel most comfortable with those.

We have resisted any attempts to remove flexitime from the system for those who currently work to it; we have sought to clarify what mileage can be claimed which is often far more confusing than it should be; we have obviously emphasised health, safety and wellbeing in new working practices.



Area organiser **Dave Gorton** above said "A key element of the whole policy is its voluntary nature. No member can be forced to work from home (government guidelines on Covid-19



notwithstanding) when it has never been a contractual element of the job, nor will undue pressure be exerted upon members to do so. But where it may be beneficial to do so, and the nature of the work allows it, then members may opt to try it for a trial period or longer. We have made sure a regular review has been written into the policy”

The draft agreement was circulated to all members for comment and some resulted in changes. UNISON thanks members for being part of this process.

## UNISON social work survey

Social work staff face a lot of problems: from a lack of resources, to increasing caseloads and changes to the regulations that govern their work.

UNISON wants to tell the public the truth about the problems social work staff face, and to fight for improvements for the whole social work team – admins, social workers, support workers and student social workers.

If you work in the social work sector, please take the time to tell UNISON about the issues you face and what you think the priorities should be going forward.

The survey is anonymous and only takes a short time to complete. It is open for responses now and closes in mid-February.

As a thank you, respondents can also enter the prize draw to win £100 in shopping vouchers.

[Click here to take the survey](#)

## Future of Derbyshire care homes: have your say

Once again Derbyshire County Council are seeking to close down seven homes for older people, just as they tried to do two years ago, before backtracking in the face of union and public pressure.

The ‘consultation’ also implies that the fate of the remaining 16 care homes may be at risk.

UNISON is completely opposed to the cutting of vital council run services without proper newly built council homes as replacements, protecting service users, their families and staff who have put so much effort and skill into providing an effective, caring atmosphere.

We have no objection to replacing homes with modern facilities but the council will hand over the provision for current residential care to private providers, potentially putting jobs at risk.

Please have your say in the [consultation](#) and sign the [petition](#).

## Derbyshire County Council: Sleep-in, standby and recall to work arrangements

We have now negotiated with the council that members subject to these payments will receive double time for bank holidays. “This is a great victory for Derbyshire UNISON and its members” said service conditions officer, **Danny Treacy**.

## School staffing shortages

Primary school children with special educational needs are not getting the help to which they are entitled, because of support staff and teacher shortages, according to a new UNISON survey.

92.3% reported their school was experiencing shortages of support staff and 83.4% that there were shortages of teaching staff.

The results of these shortages include:

- **Mixing of class groups leading to large classes (19.3%)**
- **Difficulty running essential services, for example kitchens and tech support (27.4%)**
- **Children with additional/ special needs left without support (56%)**
- **Individual children unable to attend school due to a lack of teaching assistant support (9.3%)**
- **Classes sent home (14.9%)**
- **Whole settings closed (2.4%).**

More than half of support staff (57.6%) said that they were taking on extra responsibilities.

Derbyshire UNISON is urging members in each school to elect a representative (see Pages 13 and 21) so we are more fully aware of the local picture and – collectively – do something about it! That needs your help.

# DEFENDING CARE JOBS AND SERVICES

## Home care victory

The introduction of a new scheduling system by Derbyshire County Council raised a whole host of concerns for home care members working in the community. While Derbyshire UNISON were taking these forward to the council seeking resolution, members did feel management were dragging their feet over the issue.

In desperation, one UNISON member, Cathy Read, took out an individual grievance to try and force the council to act. Although UNISON does not normally recommend this course of action as it would on most occasions very much slow down negotiations, in this case I decided to give full support and advice to Cathy and ... it worked!

Cathy's knowledge of home care services and the evidence she presented to the council led senior management to listen, accept the problems and promise significant changes and improvements.

Cathy said "I wasn't just doing this for myself but for all care staff, we deserve to be treated properly and paid correctly"

Thanks to every member who contributed to our request for examples and who supported our stance. It shows the benefit – once again – of being together in UNISON. If your work colleagues are still not signed up, show them how being united is winning a significant battle.

## Care home staffing and day services

Last month we circulated details about Derbyshire County Council's plans to seek volunteers from other workstreams to help out in council care homes, due to an acute staffing shortage caused by Covid-19 related absences. This was following BBC and other media news reports.

We relayed our concern to members about the council going public without discussing it with us first, not only because we expected proper consultation but also because we could have alerted them to some potential pitfalls with their approach.

The council did then talk to us and UNISON was able to impress on them concerns and problems concerning training, disclosure and barring and the thorny issue of vaccinations.

Fuller details can be found in our Update posted on our website and Facebook pages. These include the guarantees UNISON secured in the talks, especially the voluntary aspect, pay and conditions and the potential knock-on effect in day services.

Here, the council was proposing the temporary closure of some learning disability day services and redeployment of those staff members as they try to alleviate the care home staffing crisis.

Obviously we are continuing to hold management to their

promises while making it very well known we will not accept day service closures as any more than a temporary measure. Day services are crucial and have suffered heavily through council cuts throughout the country over the last decade.

Following UNISON approaches, the council have given assurances this is not a prelude to permanent closures.

The government's backtracking on compulsory vaccination may yet have an effect on staffing in social care which alleviates this situation earlier than expected but – as usual! – the government's announcement on that raised more questions than it answered.

Derbyshire UNISON remains implacably opposed to cuts which affect our members and those in the community who rely on them.

## DANNY TREACY

*is the Derbyshire UNISON adult care and public health convenor within Derbyshire County Council*



# SCHOOL CATERING: PAY IN PRIVATE COMPANIES

**F**or too long private contractors in the school meals service have been making huge profits whilst holding down the pay of the hard working, almost exclusively female, workforce. This has left too many members struggling.

As part of our efforts to combat this UNISON is trialling sending a pay claim directly to three national contractors, Caterlink, ABM Catering Ltd and Mellors Catering Services.

This claim is:

- **An increase of 10% on all salary points and allowances in 2022**
- **All workers to be paid the Foundation Living Wage as a minimum**
- **All workers to receive full salary from day 1 when absent due to sickness of isolation**

This claim is set at a level that we believe recognises the following key points:

- Major increases in the cost of living, most significantly fuel, food, travel and national insurance are

significantly eroding the value of staff wages.

- Average pay settlements across the economy are significantly higher across the private sector as competition for staff increases.
- The 6.6% increase in the minimum wage will reduce pay differentials between staff with different levels of skills, experience and responsibilities unless all staff receive a significant pay rise.
- Appropriate reward is needed to sustain morale and productivity of staff in their crucial role of delivering high quality services.
- We are still in a public health crisis and staff need to be in a strong enough financial position to follow isolation rules.
- Increased vacancy rates across the economy make competitive wages more crucial than ever.



*For too long private contractors have been making huge profits whilst holding down the pay of the almost exclusively female workforce. This has left too many members struggling*

# UNISON REPS ARE PEOPLE LIKE YOU!

**A** union's ability to provide support, influence events and effect change relies on members being involved in its democratic structures and playing their part.

Derbyshire UNISON employs some organisers to help with collective bargaining and casework but it is vital that you – the worker – not only have your say but help to get your voice heard and to make it effective.

The annual election of Derbyshire UNISON representatives is crucial to our effectiveness in making work safer, better paid and campaigning for a fairer society in general.

Between now and 5pm on Friday 4 March 2022, you can take that step to make us stronger for you and your work colleagues' benefits.

Being a rep isn't all about going into disciplinary hearings! In most workgroups, those are few and far between and you would have to undergo the necessary legal training before you could undertake the task.

It is far more about making sure the 'smaller' problems members have at work are addressed. It is about making sure members and potential members know what UNISON is doing collectively to address common problems. It is making sure your manager doesn't cut corners.

The different roles and what they do are:

## Steward

*The local steward represents the interests of existing members in their workgroup/workplace, including - following completed training - discussing and reaching satisfactory agreement with management on local issues.*

## Health & safety representative

*The local health and safety representative seeks to ensure the fullest health, safety and wellbeing in their members' jobs, including - following completed training - discussing and reaching satisfactory agreement with management on local issues.*

## Learning representative

*The local learning representative role involves raising awareness about the value of learning, helping organise courses in the workplace and supporting and encouraging members to take part in learning.*

## Equality representative

*The local equality representative provides advice and support on equality and discrimination issues in their workgroup/workplace.*



Members can opt to seek election for as many roles as they wish and can job share any or all of the roles with another member in the same constituency (ie workgroup/workplace).

It is vital UNISON members have trust and confidence in their local representative(s) and, therefore, those who nominate and second members must also work in that workgroup/workplace.

The official nomination was recently emailed to all members for whom we have current addresses or it can be downloaded here. We can send a paper copy if you request one at [branch@unisondc.co.uk](mailto:branch@unisondc.co.uk)

If you're interested but not quite sure then don't just leave it, call us for a chat. One of our organisers will be happy to do so. You may also want to look at our advocate role (see Page 15)



# UNISON: WORKING FOR SAFER SCHOOLS

**O**bviously, Covid continues to dominate issues around schools and education. UNISON's national schools committee has recently issued a new statement, covering a number of issues and, in particular, cover issues. This was sent to all members via email but if you've mislaid it, you can find it by [clicking here](#).

## Face coverings

As school staff will be only too well aware, the government ended the recommendation that face coverings be worn in secondary classrooms from 20 January, and in communal areas in all schools from 27 January. Given the very high case numbers and absences in staff and school-aged children with data showing they are the highest they have been this academic year, UNISON believed the decision by the Prime Minister was both premature and extremely risky and seemed to be made for political reasons rather than safety ones. There was a lack of scientific evidence provided by the government to justify this decision.

UNISON, therefore, welcomed decisions by large numbers of schools to continue to encourage the wearing of face coverings by staff and secondary students (unless medically exempt) in classrooms and communal areas. We have called on all

schools to do the same, to help reduce the risk of transmission and disruption and to protect in-person learning.

We all want to see face coverings removed as soon as possible but to do so at a time of very high cases rates in schools risks even more infections and disruption. With figures of staff and students off school with Covid rising above 1 in 20 in January, it seemed very out-of-touch for education minister, Nadhim Zahawi, to comment that 'all schools' should ban them so that children can 'enjoy a normal experience' in the classroom!

## Staff shortages survey

We know that staff shortages are impacting schools across the UK and we are looking to school support staff to let us know what their experience has been. There are 10 very short questions - please rest assured that all responses will be anonymous. Feedback is really helpful in our ongoing policy and campaigning work.

[Take the survey](#)

## Medically vulnerable and higher risk groups

UNISON and other education unions have recently issued updated advice on medically vulnerable and higher risk groups. This can be viewed or downloaded by [clicking here](#).

What's  
happening in  
your school?

# ILLEGAL ACADEMY ORDERS ISSUED TO SCHOOLS

*We don't think it bodes well for future industrial relations*

**A** huge row has blown up between the trade unions and the Diocese of Hallam over the attempt to transfer the Catholic schools in the diocese, which includes four in Derbyshire, into multi-academy trusts.

The unions have discovered the academy orders appear to have been made at the sole behest of the diocese without the necessary consultation with governing bodies (in the cases of schools that are not already academies). This would be illegal and the unions have applied to the Secretary of State to cancel the orders.

UNISON has joined with the other unions in writing separately to the Director of Schools for Hallam, seeking a clear-the-air meeting notwithstanding our national application to the courts:

“It is regrettable that you have chosen not to engage with our regional and national representatives who have been endeavouring to work with you since Autumn 2021, instead choosing to reply recently through your legal representatives.

“The situation is now escalating, with many of our members in an increasing number of

diocesan schools expressing concerns about the direction and speed of the project.

“However, notwithstanding the above, we are committed to finding a resolution to the issues before us, and for school leaders, governors and trustees, and education staff to be able to focus on responding to the global pandemic, keeping our schools open and, crucially, children and young people safe and well educated. This would afford them the time and space to consider robustly, as is their legal duty, whether becoming an academy, or joining one of the new trusts, is in the best interests of their pupils and their communities.”

Derbyshire UNISON is organising virtual meeting(s) for members to discuss their concerns with us, just as our counterparts in the relevant areas of Yorkshire and Nottinghamshire have. We don't think it bodes well for future industrial relations if this is how the diocese deals with their legal duties in seeking to form multi-academy trusts.



# UNISON's quick guide to REASONABLE ADJUSTMENTS



## What is a workplace reasonable adjustment?

A reasonable adjustment is a change to the work environment or to a workplace policy, criteria or practice that aims to remove or minimise disadvantages experienced by disabled employees and job applicants.

## What does the law say?

The Equality Act 2010 (and the Disability Discrimination Act 1995 in Northern Ireland) gives disabled workers the right to reasonable adjustments where they experience substantial disadvantage. Employers have a duty to provide reasonable adjustments where they know or should have known the employee was disabled.

## Who is entitled to reasonable adjustments?

Only disabled people are entitled to reasonable adjustments. A disabled person is defined in law as someone with a physical or mental impairment which has lasted, or is likely to last, 12 months or more and which has a

substantial adverse effect on their ability to carry out normal day to day activities.

To be entitled to reasonable adjustments the disabled worker must also be disadvantaged in the workplace due to their disability in a way that is more than minor or trivial.

## What are examples of reasonable adjustments?

- Doing things another way, such as allowing someone with social anxiety disorder to have their own desk instead of hot-desking
- Making physical changes, such as installing a ramp for a wheelchair user or an audio-visual fire alarm for a deaf person
- Letting a disabled person work somewhere else, such as on the ground floor for a wheelchair user
- Changing their equipment, such as providing a special keyboard if they have arthritis

- Allowing employees who become disabled to make a phased return to work, for example working flexible hours or part-time

Every disabled worker will face different barriers and what is 'reasonable' will need to take into account an individual's circumstances and the size and resources of the employer.

### **But shouldn't we just treat everyone equally?**

Actually, the reasonable adjustment duty can require disabled workers to be treated more favourably in order to reduce workplace disadvantage.

### **Are there any exemptions?**

No. Employers subject to the duty cannot argue that there was a justifiable reason why they did not agree reasonable adjustments. The only question is whether the adjustments are reasonable or not.

Employers also have to make reasonable adjustments even if they don't employ the person directly - this includes contract workers, trainees, apprentices and business partners.

There are also no requirements that a worker needs to have been in the job for a certain amount of time. Reasonable adjustments are a 'day one' employment right and job applicants are also included.

### **What does 'reasonable' mean?**

There is no definition or list of what is reasonable. There is also

no statutory timescale for how long it is reasonable to wait for an adjustment to be put in place. It all depends on the individual circumstances of the worker and the employer. If Occupational Health are doing their job properly they should be able to advise. But in the end, if there is a failure to reach agreement, it is the courts who decide what is reasonable.

A disabled worker may be able to apply to Access to Work to assist with costs involved in making adjustments - [www.gov.uk/access-to-work](http://www.gov.uk/access-to-work)

### **How should the issue be raised with employers?**

The first step is to let your employer know you are disabled. You can ask this to be kept confidential from your manager. Talk to your union rep about the barriers you face in the workplace and identify potential adjustments. Then make your request. It's always best to do this in writing and your rep can help you compose an email or letter.

### **What happens if the employer says no?**

If an employer says no to a reasonable adjustment request, the first thing a member should do is speak to their UNISON rep. They will be able to negotiate with the employer and explain the law to them if the employer refuses to comply with their legal duty. If legal action is required there is a deadline of 3 months less one day so speak to your UNISON rep at the earliest opportunity.

*A disabled person is defined in law as someone with a physical or mental impairment which has lasted, or is likely to last, 12 months or more and which has a substantial adverse affect on their ability to carry out normal day to day activities*



SEVERAL OF THE GOVERNMENT'S PROPOSED ANTI-PROTEST LAWS HAVE BEEN THROWN OUT OF THE POLICE, CRIME, SENTENCING AND COURTS BILL

## GOVERNMENT'S ANTI-PROTEST CRACKDOWN PLANS REJECTED

**T**he House of Lords has voted down many of the UK government's anti-protest measures in the Police, Crime, Sentencing and Courts Bill, in a significant victory for UK democracy, as well as for the hundreds of thousands of people who have opposed the punitive legislation, whether through petitions, protests, open letters and emails to MPs.

Peers threw out the government's plans to:

- create a new offence of "locking on", a tactic used by activists to prevent the takeoff of planes deporting people;
- create a new offence of obstructing the construction or maintenance of major transport works – a tactic used by protesters such as Insulate Britain;
- make it an offence for a person to interfere with the use or operation of key national infrastructure, including airports, the road network, railways and newspaper printers;
- allow police officers to stop and search a person or vehicle if it was suspected an offence was planned;
- allow police to stop and search anyone at a protest "without suspicion";
- allow individuals with a history of causing serious disruption to be banned by the courts from attending certain protests'





*There are still many dangerous new police powers in the bill that will increase discrimination*

UNISON general secretary Christina McAnea said: “This resounding victory for democracy is testament to what’s possible when the public builds power together through mass protest, mobilisation and lobbying.”

“There are a lot of people who should be feeling proud today. When the government tried to introduce these oppressive restrictions on our civil liberties, we fought back, and we won.”

The bill now faces going back and forth between the Commons and Lords, a parliamentary process known as ‘ping pong’, with several amendments expected to be rejected by the former.

However, the defeated amendments will remain defeated and the government will need to seek new legislation altogether if it wants to continue fighting for its proposals.

These include measures to create a ‘buffer zone’ around

the Westminster parliament to stop people protesting, to give the police powers to impose noise-based restrictions, to criminalise one-person protests and impose restrictions on public assemblies.

Director of Liberty Martha Spurrier has urged that the fight against the broader bill is also far from over.

She said: “There are still many dangerous new police powers in the bill that will increase discrimination and the danger of police interactions – particularly for Black men – while other measures threaten to criminalise the way of life of gypsy and traveller communities.

“The bill, and the last minute amendments they tried to sneak through, are typical of a government that despises scrutiny and rejects accountability, which thinks the powerful should be above the law, even if it comes at the expense of everybody else’s human rights.”

## Moved house, changed your name or started a new job?



It is vital you let UNISON know when your details change!

Failing to do so could mean you miss out on ballots or even representation if your subscriptions cease when you change jobs.

If you have access to the internet, you can change your personal details such as home address, email address or mobile number yourself by logging on to **MY UNISON**.

You can also sign up for different national newsletters at **MY UNISON**.

If you move between employers and currently pay your subs via DOCAS (ie through your pay), these will automatically cease. You will need to inform us immediately you move so there's no break in membership.

If you pay by direct debit, your subs will continue to be paid but you should let us know anyway.

The best way is emailing [branch@unisondc.co.uk](mailto:branch@unisondc.co.uk) or calling 01629 582266.

### Contacting **Derbyshire UNISON**



**JOINUNISON.ORG**



- 01629 582266
- [branch@unisondc.co.uk](mailto:branch@unisondc.co.uk)
- Derbyshire UNISON
- @Derbys\_UNISON

**UNISON**  
Derbyshire

*Don't read this and think who else on your team could do the job –*  
**volunteer yourself!**

# WHAT IS A UNISON ADVOCATE?

In an ideal workplace, there would be a UNISON steward, health & safety rep and every worker would be a member of UNISON, read all the literature and attend all meetings. Management would know UNISON should be involved in every discussion about working practices and wouldn't implement changes without agreement.

We don't live in an ideal world! This is not a workplace any of us will recognise! But in some workplaces, it's much nearer reality than others. It's not unachievable.

We are well aware the prospect of becoming an elected representative can pose immediate problems for members. Will I have the time? Do my colleagues trust me? Will management listen? Will I be victimised? These are all questions which go through workers' minds when they consider stepping forward.

An elected steward carries legal protection and you must be regularly trained. Some members fear they haven't got the time to undertake this (even though training is undertaken in work time), especially if they have other caring responsibilities. But it is still crucial for UNISON to have a presence in every workplace.

That's why we introduced the role of Derbyshire UNISON Advocate. It is not an elected role and doesn't include training or representation. It means being a visible contact in your workplace:

- **someone new members of staff can approach to find out how to join UNISON**
- **someone who keeps a lookout for UNISON information pertinent to the group of workers involved**
- **someone who can call us once in a while to tell us how things are**

We won't put pressure on you to do anything else. But if you want to get more involved, we'll help.

So don't read this and think who else on your team could do the job – volunteer yourself! If you do, we'll send you a small pack containing application forms and basic information suitable for either a noticeboard or a folder at work (we can even supply the folder!) and a badge.

Contact Charlotte Allen on 07764 775281 or [charlotte.allen@unisondc.co.uk](mailto:charlotte.allen@unisondc.co.uk) for more details.



# LEVELLING UP WHITE PAPER LEAVES LOW PAID WORKERS BEHIND

**A**s the TUC has argued, you can't level up without levelling up at work. In-work poverty, driven by the prevalence of low-paid and insecure work, is sky-high in every region and nation of the UK. This reflects the fact that low-paid sectors, such as retail and social care, are major employers in every area of the country.

And more and better jobs is the public's top priority for levelling up, with recent polling for the TUC conducted by YouGov finding that increasing the number and quality of jobs is seen as a priority for levelling up by one in two people from right across the political spectrum. Does the White Paper deliver this?

The White Paper sets out 12 missions – or aims – spanning living standards, R&D, transport, digital connectivity, education, skills, health, well-being, pride in place, housing, crime and local leadership. There is not a specific mission on work, but the living standards mission is “By 2030, pay, employment and productivity will have risen in every area of the UK, with each containing a globally

competitive city, and the gap between the top performing and other areas closing.”

So, what is the plan for achieving this?

In a nutshell, it is to grow the private sector and improve its ability to create new and better paid jobs. There are five strategies to support this aim, all of which fall under a typical ‘industrial strategy’ umbrella: improving SME’s access to finance; boosting institutional investment, including from the Local Government Pension Scheme (LGPS) and the recently established National Infrastructure Bank; attracting foreign direct investment and using trade policy, in particular freeports, to boost investment; improving the diffusion of technologies and innovation; and supporting and growing the manufacturing sector.

There are some important questions to be answered in relation to some of these strategies; for example, it is vital that the LGPS is invested in the long-term interests of its members, without its funds being diverted towards other purposes. ➔



**JANET  
WILLIAMSON**

*is a senior policy officer for  
the Trades Union Congress*

**care  
workers**  
*for change*



*We must tackle entrenched low pay and poor conditions head on, bringing unions and employers together to set sectoral Fair Pay Agreements for low paid sectors, starting with social care*

And each deserves proper examination in its own right. But what they have in common is that all of them aim to create a better distribution of well-paid and highly skilled jobs around the country. This is needed - but what about the jobs that people are already in? There is no plan to address inequality within the labour market and nothing to level up work that is low paid and insecure.

The experience of London shows that the prevalence of high-paid jobs does not automatically lead to rising incomes for the wider community. Indeed, London has the highest rate of in-work poverty in the country, with people in low-paying service sector jobs priced out of housing and local amenities. To level up, we must tackle low pay and insecurity head on, and focus on those sectors that need it most.

We need to strengthen the floor of employment protection for all workers by raising the minimum wage and tackling zero hours contracts. And the government should lead by example, giving public sector workers a proper pay rise and reversing the devastating cuts that public services have suffered in the last decade. Decent jobs should be a requirement of all government procurement, so that the power of government is used to drive up employment standards.

But we also need to change the way our economy works to hardwire decent work into business models and economic growth. Relying on the private

sector to level up without changing how it works will fail. We need corporate governance reform to rebalance corporate priorities and give working people a fair share of the wealth they create. And we need a new skills settlement to give working people access to lifelong learning accounts and a right to retrain.

Levelling up at work means addressing the imbalance of power in the workplace

Working people need stronger rights to organise collectively in unions and bargain with their employer. Collective bargaining promotes higher pay, better training, safer and more flexible workplaces and greater equality – exactly what we need to level up at work. Unions should have access to workplaces to tell people about the benefits of unions, following the New Zealand model.

And to level up we must tackle entrenched low pay and poor conditions within sectors head on, bringing unions and employers together to set sectoral Fair Pay Agreements for low paid sectors, starting with social care.

Creating new and better jobs is important; but this Levelling Up White Paper has left those in low paid, insecure work behind.

**WE DEMAND:**

1. Emergency funding now
2. Investment in a fully public NHS
3. Pay justice for staff



**SOS  
NHS**

**SOSNHS.ORG**

NATIONAL DAY OF ACTION - SAT 26 FEBRUARY



**Derbyshire March & Rally to Save our  
NHS Saturday February 26th 11.00am  
Rykneld Square, Chesterfield S40 1SB**

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