



Learning agreements

a guide for RCN staff and activists

Working in partnership to protect and promote
learning in the workplace



**FUTURE
ACTIVIST
PROGRAMME**

Contents

Acknowledgements	1
Foreword	2
Introduction to the toolkit	3
What is a learning agreement?	4
The benefits of a learning agreement	5
Engaging your employer	7
Getting started	8
1. Getting information	8
2. Liaising with the RCN and other unions	8
3. Getting agreement with other unions	8
4. Drawing up the first draft of the learning agreement	9
5. The learning committee	9
6. Persuading the employer	9
7. Independent sector and learning agreements	10
8. Celebrate your achievements!	10
Ask the experts	11
References	16
Appendix: Template for a learning agreement for employers in the NHS	17

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Union Learning Fund Project Steering Committee (England)

RCN Regional Boards (England)

RCN UK Learning Representatives Committee

RCN Membership and Representation Committee.

Foreword

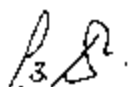
I am delighted to introduce this learning agreement guide for RCN staff and activists.

Our members are facing challenging times in the workplace in an environment of ever increasing financial constraints and great organisational change. We know that learning and development can be at risk during times of uncertainty or austerity, yet we know that learning is actually at the very core of successfully managing change and maintaining safe and effective practice.

We need to protect and promote learning and I believe that we can do that by working with employers to formulate meaningful and relevant learning agreements.

Learning agreements may be fairly new territory for the RCN, but we already have impressive examples of how staff, learning representatives and employers are working together to ensure that our members are engaged in relevant, costs effective and high-quality, lifelong learning.

I trust this guide and accompanying literature will help staff and activists in developing an agreement and I look forward to hearing about its positive impact in the workplace.



Dr Peter Carter, OBE

RCN Chief Executive & General Secretary



Introduction to the toolkit

The RCN believes that access to learning and development is vital to ensure our members are able to practise safely and effectively, and can demonstrate that they meet the standards set by the NMC for their PREP. In addition, we support our members to achieve their personal aims and objectives for career progression and to develop their potential, regardless of their role or their working environment.

Now, more than ever, due to the current pressures brought about by economic uncertainty and organisational change, our members will need to develop skills to prepare them for new challenges and build on their transferable skills to improve employability.

We know, however, that in tough times learning and development provision and budgets can be cut, right at the time when they are needed most. As a result we appreciate that learning and development needs to be of high-quality, relevant and provide the very best value for money.

That is why we believe in the value of learning agreements with employers. By working in partnership with employers, we can:

- communicate members' learning needs and influence the learning agenda
- represent members in matters regarding learning, ensuring their learning needs are met
- negotiate and organise high quality and cost-effective learning opportunities.

This guide offers practical and detailed information on how to formulate a learning agreement that is specific to the needs of an organisation. Our aim is to offer guidance that enables you to facilitate a constructive partnership between your organisation and the RCN, and helps you work with staff and managers to write a learning agreement that realistically meets the learning needs of members and colleagues across the full workforce.

We hope that you will use this guide as part of your branch or workplace activity to develop or strengthen your partnership with your employers, so you can work together to protect and promote learning in the workplace.

What is a learning agreement?

Lifelong learning aims to build skills and knowledge through experiences encountered in the course of an individual's lifetime. These can be formal (such as training, counselling, tutoring, mentorship, apprenticeship or higher education) or informal (experiences and situations, for example). This learning is voluntary and self-motivated for either personal or professional reasons. Lifelong learning enhances social inclusion, active citizenship, personal development and employability (Schuller and Watson, 2009).

Trade unions have always supported education and lifelong learning and the RCN, as a royal college and trade union, has been uniquely placed to provide a wide range of support and opportunities for members. In 2002 union learning representatives (ULRs*) were introduced and gained statutory recognition; this means ULRs, like stewards and health and safety representatives, are entitled to protected time to support members. We have more than 500 RCN ULRs who work both on an individual and organisational level to support learning in the workplace.

Over the last 10 years, unions and employers across all industries have recognised the success of ULRs and partnership working to support learning. Many have developed this further by formalising the relationship in the form of learning agreements.

A learning agreement is a mutually beneficial partnership arrangement between trade unions and the employer. The agreement sets out each party's commitment to learning in the workplace, and the organisational support, resources and expertise required to deliver effective and engaging learning and development. Each agreement is supported by:

- **a 12-month learning plan** – an agreed action plan, specific to your organisation, setting out how everyone will work in partnership and what outcomes will be achieved; this can be as simple or as ambitious as both parties feel is feasible
- **union learning representatives (ULRs)** – accredited ULRs provide information, advice and guidance about learning at both a personal and strategic level; ULRs may already be in place or may need to be recruited as part of the learning plan
- **a learning committee** – a working group that will support, monitor and evaluate the learning plan to ensure the outcomes are achieved; the group is comprised of representatives equally from both the trade union and employer side
- **learning resources** – the RCN has a wealth of free learning opportunities and resources that are available to members and which can be offered more widely as part of a learning agreement.

These agreements do not have to be complicated and can build on the partnership work already taking place between the RCN and your employer. The following sections explain more about the benefits of learning agreements and how to start creating one.

*ULR is the term used in all statutory legislation, although in the workplace you may find the term 'learning' or 'learner representatives' is commonly used. When developing learning agreements, it is best to use the full statutory term and so, for the purposes of this document, we will use the term ULR.

The benefits of a learning agreement

Learning agreements benefit the individual, the employer and the RCN by ensuring that learning is protected, promoted and available to all.

Protecting learning

In the last few years, many workers in the health care sector have seen huge cutbacks in learning provision within the workplace – in some places mandatory training is all that is on offer. All members, whether post-graduate or first-time returners to learning, benefit from the opportunity to progress and take on new skills and knowledge. Learning agreements formalise a commitment by the employer to continue investing in learning while working together to ensure provision provides value for money.

Promoting learning

Unions have, over the past decade, been responsible for more than 250,000 adults taking up new learning opportunities – ranging from entry level English and maths, through level 3 management skills, to university courses and beyond, and including learning-for-fun subjects. The RCN provides a vast array of learning opportunities that include publications, online resources, workshops and conferences. Learning agreements ensure a commitment from the employer to giving members time for learning.

Information and advice given by a ULR can provide confidential support on learning issues – such as Maths, English and IT skills. By helping members to identify their own learning needs and aspirations, RCN ULRs can promote lifelong learning within the workplace. A learning agreement with the employer gives RCN ULRs protected time to work with members and the employer to promote learning.

Equal access

There may be inequalities in learning provision within an organisation; for example, workers on lower pay scales often get the least access to training and professional development while those who work part-time or shifts can be excluded from the full learning offer and may lack the confidence to request time off to undertake learning. Learning agreements, supported by a learning committee and ULRs, offer the union and the employer a mechanism for monitoring and evaluating the equality of learning take up and ensures that all members have access to learning.

By working with employers to protect and promote learning through learning agreements, the RCN can itself, grow and develop.

- **Recruiting and retaining ULRs** – learning agreements signify formal employer support for ULRs, making it easier to recruit to this role. Where there is an active learning agreement, there is more opportunity to recruit ULRs.
- **Role modelling partnership working** – by working with employers to promote and protect learning, we can demonstrate the value of partnership working and improve our leverage on other employment issues. Learning is embedded in these wider issues, and a learning agreement and committee can create a positive space to explore them and work proactively; for example, developing a ‘learning response’ to competency or disciplinary patterns or trends. Many employers in the independent sector also welcome partnership working around learning and see the benefits of a learning agreement. Working together to support learning can demonstrate the value of the RCN and model good partnership working, paving the way for work in other areas and ultimately, recognition.

- **Engaging members in RCN activity** – there is evidence across industries that members who get involved in learning through their union are far more likely to engage further. Learning can create a pathway to becoming more active in the workplace and at branch level.
- **Retaining our membership through positive and proactive work** – learning agreements can highlight the positive and proactive work that we undertake as a union. By protecting learning, especially in times of economic uncertainty and organisational change, we can remain a positive presence in members' working lives.
- **Delivering high-quality learning provision** – as a royal college and trade union, the RCN has always delivered high-quality learning that provides relevant and exciting opportunities for nurses and HCAs. A learning agreement recognises and celebrates this.
- **Influencing the learning agenda** – by developing a partnership learning agreement, the RCN will have a voice on a learning committee which directly influences decisions about learning and development, at a strategic level.



Engaging your employer

Learning agreements can be a real in-road for promoting the role of unions (and their activist learning representatives) in workplace learning. These agreements have wide-ranging benefits for employers in the NHS and independent sectors. If we are confident and informed of these benefits, particularly the benefits specific to your sector or area of health care, then negotiations with the employer on securing learning agreements can be straightforward. Most employers are very aware of the benefits of training and development and have a desire to extend the learning and development offer to their employees. However, decisions made in response to budget restrictions can result in employers treating learning and development as a concession for times of prosperity and as something to be cut in difficult economic periods.

The RCN has developed two short publications which you can download and hand directly to your employer when you begin the process of negotiating a learning agreement. Acknowledging that the landscape and driving business forces can be different in the NHS and independent sectors, we have produced two separate documents detailing the benefits of learning agreements; one for NHS employers (004 237) and one for independent sector employers (004 252).

You can download the documents from www.rcn.org.uk/publications or order a copy by calling RCN Direct on 0345 772 6100.

The benefits of having a partnership learning agreement for health care employers include:

- increased learning activity within the workplace
- a reduction in skills shortages
- less reliance on expensive temporary staffing
- promotion of the positive link between workplace learning and improved employee engagement; you can find out more on this topic by taking a look at the Acas policy discussion paper *Building employee engagement* (2010) which is available for download at www.acas.org.uk; similarly, NHS Employers and the Department of Health have recently launched an *Engaging your staff toolkit* (2011) which identifies supporting personal development and training of staff as one of five key factors for successful employee engagement
- access to ongoing workplace learning that addresses numeracy, literacy and IT skills gaps, resulting in fewer mistakes and accidents
- enhanced confidence in the workplace and increased opportunities for internal promotions, saving on consultancy costs
- the workplace being enhanced by additional learning; creating mutual commitment and improved staff morale which results in reduced sick leave, better staff retention and increased productivity
- reduction of complaints and increasing positive feedback from service users as a result of employing highly skilled and motivated staff
- better enabled development and improvement of staff skills which can be used as evidence for professional and quality regulators.

“Learning and development is more likely to deliver benefits to members when unions not only secure recognition from the employer but also play an active role in decisions about what is provided.”

Heyes and Stuart, 1998

Getting started

Each workplace is different, so the following list is a guide. If you don't have a joint union process or if there is only RCN recognition – or even no union recognition – in your workplace then parts of this process may be omitted.

If you keep in mind that your aim is to get a learning agreement in place by convincing the employer that such an arrangement is not just a good idea, but is vital for effective employee engagement and addressing skills gaps, then the process can be straightforward. To achieve this you will need to develop a consensus with other existing workplace unions.

1. Getting information

First download the *Introduction to learning agreements for RCN branches and activists* leaflet (publication code 004 182) from www.rcn.org.uk/publications. This is a quick and easy guide to the subject.

After which you should download or order *Learning agreements: the benefits for employers in the NHS* (004 237) or *Learning agreements: the benefits for independent health care sector employers* (004 252).

2. Liaising with RCN and other unions

- Let other RCN representatives and branch members know that you want to develop a learning agreement in your workplace by getting the issue on the branch agenda. Contact your regional officer to let them know you want to pursue a learning agreement, as they can be a very useful resource.
- Talk to your colleagues in the other unions in your workplace – there may be as many as 16 other unions in a health care setting, so you will need to identify the best way to speak to all recognised union representatives. This may involve, in the first instance, talking to the representatives who have facility time and therefore some energy to support your proposal. Most major unions have a commitment to lifelong learning, and so should have a good understanding of learning agreements; your role is to offer to work on the development of an agreement with them.
- Identify if any previous work has been carried out on learning agreements and if so, what happened and maybe why this has stalled.
- Send the link to the RCN leaflet to all on your distribution list and ask for an agenda item for the next staff side or joint union meeting.

3. Getting agreement with other unions

- Present what you know about learning agreements to the joint union/staff side meeting. Use this guide and the employer leaflets to help you do this.
- Smaller unions, with little or no facility time may struggle to commit to support the work in terms of time, but it is worth asking if they are willing to endorse the work. They can all be signatories on the agreement and can have access to all drafts leading up to formalisation.

4. Drawing up the first draft of the learning agreement

It might be worth starting with the learning agreement template included in this toolkit (see Appendix). There is a section with useful notes to guide you and explain the purpose of each part of the agreement.

No doubt you will need to make some adjustments to the template. However, the main body of the agreement is designed to give the essence of the agreement; for example, it defines partnership, lifelong learning, the role of the ULR and the roles and responsibilities of the partners. You can download Microsoft Word versions of template learning agreements for both employers in the NHS and independent health care sector employers from www.rcn.org.uk/learning_agreement_nhs and www.rcn.org.uk/learning_agreements_independent respectively.

At the end of the learning agreement template in the Appendix, there is a summary sheet which distills down what all partners are agreeing to and is the bit that they actually sign.

The final page of a learning agreement called the action plan is where the unions and the employer agree to what they will do in the following 12 months in terms of learning activity. This section can be as simple or as ambitious as required.

Action plan: establishing what support unions will offer

In preparation for the meeting with the employer, it might be worth sitting down with the other unions and creating a list outlining what you can jointly do/offer the employer in relation to lifelong learning. For example, the RCN has some free learning resources that you could offer to make available to all employees. The other unions may well have some other freebies. However, in the main, your offer will be to recruit and train ULRs who can carry out activity within the workplace. You can list this activity; for example:

- carry out learning needs analysis
- support functional skills initiatives.

Start small and try to grow the activity year on year. In many cases you might be recording in this section what you already do. For example you may organise a health care conference jointly with the employer – it does not have to be new to be recorded in the action plan. The reason for the learning agreement is to ensure that the role of trade unions in workplace learning activity is noted and valued, and of course to gradually increase their influence on the workplace learning agenda.

The action plan is best set within a 12 month period and reviewed annually, as the offer from the unions (and the employer) may change. The employer's contribution has yet to be included at this stage. The monitoring and evaluation of the effectiveness of the action plan will be carried by a learning committee.

5. The learning committee

A learning agreement is not of much value if there is not a learning committee. Made up of equal trade union/staff side members and employer members, this group will periodically meet to ensure the action plan is being carried out. Each year the committee needs to set new targets and raise issues related to lifelong learning. The trade union/staff members need to include ULRs and feedback, and be accountable to the trade union joint committee or staff side committee.

6. Persuading the employer

In some instances (probably more frequently in the independent sector) a union representative may well have no joint union or staff side committee, so it may be at this stage a representative goes straight to the employer. Ask to meet with the person responsible for education/training/development and someone from HR in your organisation, to discuss the possibility of a learning agreement. Give them a copy of the relevant benefits of learning agreements leaflet.

By working jointly with the other unions in your workplace, you can present a very powerful package of support.

The negotiations start here!

Basically at this stage, if the employer is interested it's just the detail that needs to be agreed. If they are not interested, then your next stage is exemplification; in other words, you give examples of other organisations similar to your employers who have learning agreements, and highlight the valuable impact/outcomes. Offer to put them in touch with their counterparts in these other organisations/businesses or to provide them with some written evidence of similar examples.

Don't forget the RCN can support you at any stage in this process. Contact your regional officer for support in evidencing other organisations' learning agreements or email learning.agreements@rcn.org.uk for support.

Remember, most employers are open to this kind of agreement. It raises their profile and demonstrates good partnership working, enables them to improve their employee engagement percentages and helps meet some of their other business needs. See the the benefits of learning agreements leaflets (004 252 and 004 237) to remind you of why many employers value such arrangements, especially in times of changes and huge efficiency drives.

7. Independent sector and learning agreements

Learning agreements exist in both the public and private sector of a wide range of industries and businesses. For the independent health care sector these kind of agreements can be a useful way of formalising the RCN offer of learning resource and help move toward (if already not already in place) recognition for ULRs.

While the development process can be different than in the NHS, you can use the template as a basis; talk to the RCN about what resources are available and arrange to meet with your head of education and/or HR to start the ball rolling. There is a specific leaflet for your employer called *Learning agreements: the benefits for independent health care sector employers* (004 252). You will find this useful when presenting your case.

Remember, the RCN can support you at any stage; this includes meeting with you and your employer. Just email learning.agreements@rcn.org.uk, if you want support.

8. Celebrate your achievements!

If you achieve a signed learning agreement, then you should mark the occasion.

1. Celebrate. Have an event to raise your profile and the awareness of the agreement. Invite staff and members, and send out a press release to local papers and the RCN communications team. Take photos of the signing and send these to us at learning.agreements@rcn.org.uk; we will want to publicise your good work and you may see yourself in the next *Activate* magazine.
2. Send an electronic copy of your agreement to learning.agreements@rcn.org.uk, listing any other unions who are signatories on the agreement. The RCN will place this information on file.

Ask the experts

The following section has been developed from a range of questions that our learning agreement teams get asked on a regular basis. We hope it will feel like you have them with you to help you overcome any challenges or barriers as you negotiate your agreement and make it work for members and your employer.

1	What is the purpose of a learning agreement?
2	Is the learning agreement part of the recognition/facilities agreement or is it separate?
3	Who should be involved in negotiating and agreeing the terms of the learning agreement?
4	What are the key features of a strong learning agreement?
5	How will it benefit members, learning representatives and the workplace?
6	How do I develop a learning agreement?
7	My organisation is not interested in learning. What can I do about it and how can the RCN help?
8	What about the role of stewards and safety representatives in relation to learning agreements?
9	Once signed, how enforceable is the agreement? How can we hold employers to account so that it does not become a 'tick-box' exercise?
10	Once signed, can we access RCN funds to support any ongoing initiatives?

1. What is the purpose of a learning agreement?

The purpose of a learning agreement is to increase trade union influence on learning within the workplace. For many workers, particularly in the health care sector, training and learning has been cut back recently, and in many cases the only offer from the employer is mandatory training. However, it is vital for the personal and professional development of all workers that they continue to gain access to a full range of learning opportunities that enable them to progress and develop. A learning representative is a trained representative who understands the link between access to lifelong learning and job satisfaction. The learning agreement secures the role of the learning representative and our members' continued learning and development in the workplace.

2. Is the learning agreement part of the recognition/facilities agreement or is it separate?

No, the learning agreement is a separate single issue arrangement. However, it can influence the collective bargaining for skills. For example, if by having an active workplace learning agreement we can demonstrate improvements in workers' attainment levels and performance, then we have robust data to use for successfully bargaining for skills.

In times of cutbacks and wage freezes, collective bargaining for skills offers tangible benefits for all workers; for example, paid time off for learning, access to higher levels of learning and promotion from within strategies. So, a learning agreement can be the starting point for bargaining for skills and therefore have an impact on facilities agreements.

The agreed facilities for ULRs should be referred to in the learning agreement. If you have facilities time already secured/agreed then, either include the detail of this in the learning agreement OR you can just refer to the facilities agreement. Then, if you agree more time off under a facilities agreement your learning agreement will automatically be up to date. However, where you are unsure of what time off you will need for the ULR activity just refer to 'reasonable time off'.

3. Who should be involved in negotiating and agreeing the terms of the learning agreement?

This process is ideally managed by a learning representative or as part of a branch agenda. RCN staff will be on hand to support you, but it is vital that this is led from the workplace.

Firstly, talk with RCN ULRs and other representatives in your workplace and your branch/officers so that your RCN workplace union team can be clear and agree collectively the desired outcome of having a learning agreement.

Secondly, talk to all recognised on-site unions. This can be done via the staff side process or directly with your other union colleagues. All recognised unions can then concur on a draft learning agreement prior to talking to the employer.

Next, arrange to meet the employer to negotiate with them. Often someone in a senior position in your training and development team is the best place to start. If you can persuade the head of training (or your equivalent) that having a learning agreement would be beneficial and complementary to the work of their department then you have a better chance of persuading the employer further up the chain, for example HR.

4. What are the key features of a strong learning agreement?

- Simplicity – clear wording, short and to the point; detail can be included in the action plan section.
- Strong emphasis on the partnership between the unions and the employer. Some learning agreements can appear very much as if the employer has the power and the union provides the service, which does not represent a true partnership agreement.
- Include a section that clarifies the purpose of the learning agreement.
- Define the learning representative role which is pivotal for the success of an active learning agreement.
- Define the term lifelong learning. It will be vital to have a common understanding of what lifelong learning actually looks like in action.
- State the roles and responsibility of both the trade union and the employer, and of any joint role and responsibility.
- Acknowledge how the activity and outcomes from learning agreement will be monitored and evaluated jointly between trade union and employer.
- See [Appendix](#) for further support in developing your template.

5. How will it benefit members, learning representatives and the workplace?

There are two separate publications which can be given to employers; one is for an NHS setting (publication code 004 237) and one for non-NHS employers (code 004 252). These publications will help you to articulate the benefits to your branch and members. You can order these from RCN Direct 0345 772 6100 or download them from www.rcn.org.uk/publications.

6. How do I develop a learning agreement?

See the earlier section called [Getting started](#) that outlines the step-by-step process.

7. My organisation is not interested in learning. What can I do about it and how can the RCN help?

A learning agreement may be the very lever that could change your organisation's interest in learning and development. Many organisations that do not invest in learning and development beyond mandatory training do so for a number of reasons.

- **Lack of understanding of the value of continuing personal development (CPD) of their staff.** Unfortunately this limited thinking still exists within some organisations, if not at director level then at middle management level. The union response to this is to start to organise learning for ourselves and demonstrate the benefits that learning in the workplace brings. You could run an informal learning event for all members of staff at a specific time or calendar day – for example Learning at Work Week, Black History Month – or offer to provide some free resources from the RCN via the Learning Zone. Collective feedback (data) on what employees thought of your small event, the impact on morale, and even the take up of further learning would be one small step in demonstrating how unions can play a significant role in learning at work. From there ask to repeat the same event next year/month with the support of a learning representative. Ask your regional office/branch to support you in persuading the employer to consider the benefits of a ULR. You then have the beginnings of a learning agreement, albeit informal; if you can then show that having a ULR in the workplace adds value you can negotiate upwards to a formal agreement. Involve your employer in any learning activity that you put on.
- **Fear that if they train their staff to a high level, they will lose those members of staff.** There is no evidence of this happening. In fact learning and development is seen as key to employee engagement and retention of staff (see the [the benefits of a learning agreement section](#) of the toolkit). An excellent staff training and development package attracts and retains high performing staff.
- **The cost of investing in training and development, especially for smaller organisations and particularly during an economic recession.** The cost of not investing is much higher, in turn-over of staff, recruitment and initial training of new staff and quality of service delivery. Where there is an investment in their learning and development at work, staff investment is greater in that organisation. A learning agreement costs nothing apart from goodwill and reasonable paid time off for ULRs to undertake their role. ULRs are trained by the union and supported through ongoing CPD for free. In addition, they can help the organisation to save money as they have access to a wide range of free resources and many discounts available to unions (see [the benefits of a learning agreement section](#)).
- **A reluctance to develop staff and concern over promotional opportunities.** It has been noted that some employers are concerned about raising expectations where there is limited promotional opportunities. There is also a perception that higher level senior staff do not want lower level staff gaining qualifications and skills that might undermine their level of attainment/authority. This can be challenging and you will need to engage the supervisors and middle management in any learning activity that you organise and demonstrate the positive outcomes for them as managers. Discuss the wider benefits of lifelong learning (outside of career progression) and remind them that highly trained staff are well motivated staff. Learning agreements and the learning opportunities they generate must be open to all.
- **Limited staffing and the challenges of releasing staff to attend courses.** This is probably the most common reason for not investing in learning and development within the health care sector. You will need to encourage employers to see the longer-term benefits of investing in staff when considering the short-term resource implications. In addition, you will need to think flexibly. There are some excellent models for flexible delivery such as short sessions of learning at the beginning of a shift, e-learning and providing training in employees' own time and paying them to do so. These help to minimise the impact on the service delivery and patient care. A learning representative can be appointed to serve one ward; they can then support their immediate team without too much disruption.

- **Where there is an ‘in-house’ only training strategy and external training is seen as costly, irrelevant or inappropriate to their brand.** Some in-house training and learning is excellent and of a high calibre. In terms of value in the wider sector however, an in-house certificate can have limited value. There is also a misconception that in-house training is more cost effective, but sometimes in-house training costs can be much greater than using FE and HE sources which draw down government funding and therefore offer cheaper learning opportunities. As part of their role, a learning representative will keep themselves up-to-date with relevant learning opportunities on offer externally. In addition the RCN offers members a vast range of learning and development. Identify one small generic piece of learning that you could offer via the RCN – such as the [*First steps* online resource for HCAs](#) – and offer it to your employer, with a learning agreement.

If you gain an understanding of why your organisation chooses not to invest in learning and development, then you can start to piece together a counter argument that could engage your employer.

8. What about the role of stewards and safety representatives in relation to learning agreements?

Getting a learning agreement in place is a workplace and branch activity which means support from stewards and safety representatives is vital. Stewards will need to provide ULRs with information about any specific facilities agreement that exist in relation to their time off. They will need to understand and support the union learning initiatives in the workplace and have a good understanding of how union support for workplace learning not only offers benefits to members but can help them in their role as a workplace representative; particularly around competences and collective bargaining.

9. Once signed, how enforceable is the agreement? How can we hold employers to account so that it does not become a tick-box exercise?

It is an agreement which is not as binding as, for example, a contract of employment. However, if the employer failed to honour their part on any partnership agreement the staff side committee (all trade unions) could take out a collective grievance/dispute over the matter. There may also be scope for a referral to the Advisory, Conciliation and Arbitration Service (Acas) to conciliate/mediate. How you proceed would depend on the employer’s dispute/grievance procedure in your organisation and the willingness to engage to try and overcome the problem. However, there are likely to be very few, if any sanctions that could be enforced.

What is important is that a learning agreement is supported by a process of regular review and monitoring with the employer so that it does not become a paper exercise. The learning agreement is a starting point rather than an end result. Furthermore, the emphasis on the agreement being a partnership means that, as trade unions, you can expect to carry out your roles and responsibilities unhindered. The joint learning committee or group should monitor activity, note any lack of action by the employer, and make recommendations for changes.

The purpose of a learning agreement is to formalise the union(s) role in learning and development and seek the employer’s support in this. If an employer is not complying with the learning agreement, it may affect other agreements and recognition between the union and the employer. Branch and other union structures need to understand the importance of keeping this agreement like any other agreement with the employer.

Note: ULRs have statutory recognition under the Employment Act 2002 which is equivalent status to all other union representatives, and includes a legal right to reasonable paid time off for carrying out their duties and to attend the initial and any follow-on training associated with the role.

10. Once signed, can we access RCN funds to support any ongoing initiatives?

There is no discrete budget or funds. However, the RCN has a whole raft of CPD and learning opportunities available to members via the RCN Learning Zone. Often these resources can be made available to employers via a learning agreement.

Listed below are some of the learning resources available to you as a RCN member to which you can negotiate extended access for your employer via a learning agreement. Some are free and some can be accessed at a reduced cost for members or more widely if part of a learning agreement.

- **Learning Zone** - www.rcn.org.uk/development/learning/learningzone
- **Nursing Practice Issues** - www.rcn.org.uk/development/practice
- **e-Library** - www.rcn.org.uk/development/library/elibrary
- **RCN Consultancy Service** – established and bespoke programmes commissioned by health sector employers - www.rcn.org.uk/development/rcn_leadership_programmes
- **Clinical Leadership Programme** <http://www.rcn.org.uk/development/practice/leadership>
- **Leading for Quality Care Programme**
www.rcn.org.uk/aboutus/rcn_consultancy_service/leading_for_quality_care
- **RCN Library** (including library services in Scotland, Wales, and Northern Ireland) - www.rcn.org.uk/development/library
- **RCN events and conferences** - support the development of members' career and practice - www.rcn.org.uk/newsevents/events events are held across the regions and branches in England and the three Celtic countries – Scotland, Wales, and Northern Ireland
- **RCN publications** - electronic versions are free to download from the RCN website - www.rcn.org.uk/publications and hard copies can be ordered but will entail a small charge
- **Forums and special groups** - RCN forums - www.rcn.org.uk/forums
- **Nursing communities** - www.rcn.org.uk/development/communities
- **RCN Students' community** - www.rcn.org.uk/development/students
- **Newly qualified nurses** - www.rcn.org.uk/development/newly_qualified_nurses
- **Health care assistants** - www.rcn.org.uk/development/health_care_support_workers
- **Nurse leaders** - www.rcn.org.uk/development/nurse_leaders
- **Research and development** - www.rcn.org.uk/development/researchanddevelopment

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Appendix: Template for a learning agreement for employers in the NHS

LOGOS

Learning agreement for employers in the NHS

Should include ALL signatory unions and employers logos

ULR role is pivotal in the success of this arrangement being a real partnership

Employee engagement is one of the over arching reasons why NHS and independent sector employers should be interested in a learning agreement.

If we are to attract the employer to agree to partnership with unions then our 'offer' needs to be open to ALL employees. This does not mean that we provide everything to everybody. 'However, we need to be clear what resources we are making available to all employees.

Footnote: to explain who is covered by the word 'partners'. Thereafter the word partners can be used.

1. Introduction

1.1 Lindon Community Health Services NHS Trust, (LCHS) and the recognised trade unions and staff side organisations, the partners¹, acknowledge the benefits of lifelong learning and development for all its employees and all parties are committed to working in partnership to promote and support lifelong learning across the organisation and ensure equal access to learning opportunities. The organisation has signed the Skills Pledge and part of this is to support staff to gain a Level 2 qualification in Literacy and Numeracy.

2. Purpose

- 2.1 This Learning Agreement provides a framework for partnership working between the Partners on all matters relating to lifelong learning and training and development including the NHS Knowledge and Skills Framework (KSF).
- 2.2 The Agreement outlines the crucial role played by Union Learning Representatives (ULRs) in promoting and supporting aspirations for learning across the LCHS. ULRs are recognised as active partners in ensuring effective outreach to employees.

3. Union Learning Representative (ULR) role

The Partners acknowledge and support the role of ULRs and in particular their contribution to employee engagement, including:

- Raising awareness of lifelong learning issues in the workplace, especially with non traditional learners to identify potential skills and talent for the business.
- Helping to identify and work with LCHS to prioritise and support members and colleagues with their specific learning needs including Skills for Life – literacy and numeracy, basic IT skills and ESOL.
- Liaising with members and colleagues to identify occupational skills needs and gaps in provision or specific interests.
- Encouraging members and colleagues to access and participate in lifelong learning and the LCHS offer to support business needs.
- Motivating members and colleagues to reach their potential.
- Supporting a whole organisation approach to learning - a 'learning culture'.
- Helping to identify and apply for sources of funding to support lifelong learning including working with external partners.
- Addressing improvement in patient care and delivery of services including reduction of avoidable errors by helping to identify appropriate tailored training.
- Assisting supporting and mentoring members and colleagues to address and cope with change.

4. Scope

This Agreement covers all employees of the organisation and will not be used as an alternative to collective bargaining with staff side. The Partners agree that individual issues arising from any educational or learning initiative, not obviously resolvable, shall be subject to the existing LCHS policies and procedures. This Agreement reflects the strength of commitment of the partners and as such is protected from any grievances between the parties that may arise outside its scope, thus ensuring the work towards a whole organisation culture of learning is not jeopardised.

5. Lifelong learning and professional development

5.1 A definition

The purpose of lifelong learning is to continue to build skills and knowledge through experiences encountered in the course of a lifetime of an individual. It can be through formal involvement such as training, counselling, tutoring, mentorship, apprenticeship and higher education and informal through the learners' own experiences or situations. It is lifelong, voluntary and self-motivated for either personal or professional reasons and enhances social inclusion, active citizenship, personal development and employability. Lifelong learning places the needs of the learner at the centre of the provision paying particular regard to varying learning styles and levels for adult learners.

Spell out full name of organisation or company and then refer to as an acronym

Emphasis needs to be on PARTNERSHIP some employers view learning agreements as something they own and more as a company policy

The list in 3.1 is the role of the ULR. Put here is clarifies this role for ALL of the partnership members

If a current policy or facility agreement exists, you don't need to rewrite any of them out, even in part, in this agreement, just refer to them

A definition of LIFELONG LEARNING is useful, so as to ensure all partners understand what is meant by the phrase and clear about the work the partnership covers.

¹The Partners covered by this agreement are Lincoln Community Health Services NHS Trust and staff side organisations and trade unions

The list in 5.3 differs from 3.1. Here you can include examples of ACTIVITIES that ULRs can carry out. This can help you while agreeing your ACTION PLAN.

- 5.2 This Agreement refers to the growth and development of lifelong learning opportunities within the organisation and the needs of employee. These needs may or may not be a requirement of their job role, but a requirement for their own personal development. Learning needs which are job related will be in the first instance addressed with a line manager.
- 5.3 The partnership recognises the pivotal role ULRs have in developing a culture of learning within the workplace and the number of activities which ULRs can carry out that underpins the development of lifelong learning opportunities.
- 5.4 The attached Annual Action Plan can detail agreed activities of the learning partnership and the following list gives examples of these activities, and is not exhaustive:
- Provide support, information and guidance to all staff (members and non-union members) in relation to learning opportunities which is based on peer support.
 - Assist, support and mentor members and colleagues to build their confidence to take up opportunities to use their transferable skills to support business and personal development needs.
 - Support and organise learning events.
 - Carry out learning surveys, collate and report on learning needs analysis.
 - Provide pre and post support for staff appraisal and reviews.
 - Provide support and guidance on learning issues in relation to competencies to do the job.
 - Liaise with, negotiate and agree provisions with local training providers.
 - Introduce union learning resources in to the workplace for broader use.
 - Dissemination of information about learning opportunities and initiatives via union and organisational communication systems.
 - Mentoring and induction support for staff including apprentices.
 - Access to funding opportunities via union learning initiatives.
 - Provide specific knowledge via ongoing union training on for example: dyslexia, Skills for Life, e-learning support and other learning progression barriers.
 - Access to a range of learning resources and tools via unions' lifelong learning, education departments and institutes and those of their partners, for example the Open University.

6. Roles and responsibilities

6.1 Employer

The employer will ensure that all staff are made aware of and enabled to benefit from and comply with this Agreement.

The employer will ensure that staff with supervisory or line management roles carry out their responsibility to promote access to and effectively disseminate information about learning opportunities and are made aware of the important role ULRs play in supporting a whole organisation approach to learning and the value of their contribution to business needs. Further that these staff are equipped to actively support and enable ULRs to carry out their duties in line with this Agreement and Acas guidelines and the current facilities/recognition agreement.

6.2 Trade union and staff side

Trade unions and staff side organisations are responsible for identifying, recruitment/election and training of ULRs and their ongoing continuing professional development and support and the appropriate officer will inform LCHS Head of Workforce Development the names of appointed/elected ULRs, confirming that appropriate training has taken place to enable them to carry out their duties effectively in line with Acas guidelines and the Employment Act 2002.

The staff side organisations and trade unions may wish to appoint a lead ULR or coordinator according to their Branch rules. The joint staff side organisations and trade unions may agree to appoint an overall lead ULR to liaise with LCHS on their behalf. They will use their communications networks to effectively disseminate information to support a whole organisation learning culture.

6.3 Joint

6.4 The joint role of the partners will be to encourage a 'culture of learning' within the organisation.

The established Workforce Planning and Development Steering Group (WPDSG) will be the mechanism for joint responsibility for determining, introducing, implementing, monitoring and evaluating lifelong learning initiatives. WPDSG will produce a joint action plan; setting goals and targets for the learning provision within the workplace for the forthcoming 12 month period.

6.5 The Partners, according to the agreed terms and references of the WPDSG will ensure that all sectors of the workplace are represented equally on the group with an equal balance of management and staff-side membership, comprising ULRs, Workforce Development Operations Manager, Professional/Workforce Development staff and other learning partners when required. Members of the WPDSG will be provided with all relevant information concerning the learning provision and their duties/responsibilities as members of the committee. Minutes of the WPDSG will be shared with relevant stakeholders in order to highlight the partnership work of the WPDSG to help ensure wider engagement toward the organisations' 'learning culture'.

The trade union role is to recruit, elect/appoint, train and offer on-going support the ULRs in their CPD and activities.

Jointly, through the LEARNING COMMITTEE the partners set the ACTION PLAN for the year and monitor and evaluate learning agreement outcomes, success and changes needed for the following 12 months

Basically, the employers role is to support the role of the ULR, ensuring they are given time off to carry out their duties and that all managers are informed of the ULR and the agreement

This is not set in stone. If you have facilities time already secured/agreed then, either include details or refer to the time off agreed in a facilities agreement. You can agree up front the actual time off, however if you are unsure at what time is require use the term REASONABLE time off.

This is an important page. Here we summaries the essence of the learning agreement and emphasise what it is that we are asking the trade unions and employer to JOINTLY commit to. You do not need to write any policy, you can just refer to them at this point.

Here we are referring to the LEARNING COMMITTEE. You will need to set one up or link the activity in to an existing forum/committee. Without this committee the learning agreement can become a moribund agreement that has very little activity or partnership working.

This is where we 'firewall' the learning agreement from any other industrial disputes that may take place. There have been examples in some sectors where the employer reneges on all partnership agreements because industrial action has been threaten and/or taken place; refusing to return to the agreement even after the dispute has been settled.

7. Summary of Agreement

By signing this Agreement we agree to a:

- **Commitment to lifelong learning** to work in partnership to address joint aspirations around learning provision and maximise learning opportunities for LCHS staff agreeing to the principles and aims outlined in this Agreement.
- **Commitment to the role of and value of the ULR** to LCHS with reasonable, supported time off to undertake their training and carry out their duties.
- **Commitment to Equality and Human Rights** through positive policies to promote equal opportunities in line with LCHS Equalities of Opportunity Policy, Harassment and Bullying Policy and ensuring that all opportunities for lifelong learning are brought to the attention of all employees and that they are actively encouraged to fully participate in learning initiatives.
- **Commitment to confidentiality** in line with LCHS Confidentiality Policy. Further, any learning needs analysis is undertaken with the full co-operation of all partners and that any such analysis will be used solely for learning and educational purposes. The analysis will not be used in relation to other issues such as pay, performance appraisal, redundancy and disciplinary procedures. Where information is gathered in confidence both sides accept that personal information will not be passed on eg where a learning needs analysis conducted by a ULR has highlighted a Skills for Life need which the individual does not want the employer to know.
- **Commitment to integrity of the spirit of partnership of this Learning Agreement and the work of the WPDSG** and the individual and joint roles and responsibilities of both the employer and the trade union to undertake to ensure that is not used as an alternative to collective bargaining with staff side and existing negotiation procedures and arrangements other than those specified in this agreement will be maintained. Every endeavour will be made to **insulate the learning partnership** in a situation of industrial dispute. The Partners agree that all individual grievances arising from any educational or learning initiative shall be subject to the existing LCHS grievance procedure.

The Workforce Planning Development Steering Group will be responsible for monitoring and evaluating the effectiveness of the Agreement, carrying out a review 12 months from the date of implementation

Signed: Date.....

Director of Workforce, Organisational Development & Estates

Signed:.....Date.....

Staff Side Chair

Trade Unions represented by staff side at the date signing were:

UNISON, RCN, RCM.....

A blank template for both NHS and the independent sector can be downloaded in Microsoft Word format from www.rcn.org.uk/learning_agreement_nhs and www.rcn.org.uk/learning_agreement_independent respectively.

Please see below a sample of an action plan for you to use as a base for your planning.

Sample action plan: business unit* joint learning		
Organisation's Lead _____	Dec 2011 – Dec 2012	
	When	Leads
1. Sign Learning Agreement	December 2011	Partners
2. Form a learning committee	January 2012	Organisation's Lead
3. ULR Audit - count, map ULRs - brief on learning agreement - recruit and train, where gaps - network into workplace, County and Regional groups.	January – March 2012	Lorraine M (LM) and Irene M (IM)
4. Communications strategy - internal to managers - internal to staff - external to stakeholders.	March 2012	Work Planning and Development Steering Group
5. Joint events calendar - map and plan for national learning event days, eg Adult Learners' Week, awareness days/months - publish calendar and promote alongside LCHS learning offer - seek appropriate funding.	January 2012 – (with existing ULR team)	NVQ Centre manager (currently Lynne Marriot) and ULR team
6. Targeted work - identify barriers to learning** - plan interventions - identify teams/division - identify groups*** - link closely with LCHS initiatives and Skills Pledge and staff side access to resources.****	April 2012 – Dec 2012	Work Planning and Development Steering Group
<p>* For example, South East</p> <p>** Specific work on barriers to learning will address e-learning, Skills for Life, confidence</p> <p>*** Groups could include new staff, including apprentices, HCAs, women, BME, manual staff</p> <p>**** Access to trade union and staff side organisations' resources will support the work. These are typically used to tackle barriers by tailoring resources and courses, for example, BME staff into management, HCA CPD days and Dyslexia support. In addition, resources to address skills gaps, eg drug calculations (RCN) and report writing (UNISON).</p> <p>NOTE: The action plan might become very specific, according to what is required, for example, a focus on HCAs or apprentices or particular areas.</p>		

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