

## Sefton Schools Forum Report

Date of Meeting:	14 January 2019
Title of Report:	<b>Trade Union Facilities Administration</b>
Presenting Officer:	Kevin McBlain
Reason for Submission to Forum:	(2) ITEM FOR CONSULTATION
Executive Summary:	To provide members with information on the proposed changes to the Trade Union Facilities Administration from April 2018.
Budget/Risk Implications:	None
Recommendations:	<ol style="list-style-type: none"> <li>1. Schools Forum members are requested to agree the content and proposals contained in this report.</li> <li>2. Schools Forum to formally recommend all schools and academies buy- in to the continuation of the local authority's union facilities agreement. The aim being for all schools and academies by contributing to a 'pool' to share the costs of paying for teaching trade union facilities time and draw on an established wealth of expertise.</li> </ol>
Appendices (to be attached)	None
Background Papers (available on request)	None
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### SCHOOLS' FORUM POWERS & RESPONSIBILITIES

- 1 ITEMS FOR APPROVAL (DfE can adjudicate where Forum does not agree LA proposal)
- 2 ITEMS FOR CONSULTATION (Forum provides a view on LA proposal but LA decides)
- 3 ITEMS FOR CONSULTATION (Forum provides a view on LA proposal but DfE decides)
- 4 ITEMS FOR INFORMATION (No formal view of the Forum is sought)

## Schools Forum meeting January 2019

### 1. Item for Decision

Schools Forum members are requested to agree the content and proposals contained in this report relating to the financial administration of the costs associated with the teaching unions facilities arrangements.

### 2 Purpose of Report

This report brings together previous reports information, where appropriate and outlines the proposed funding and financial administration of the union facilities work undertaken on behalf of schools in Sefton from April 2019 and provide information as to costs incurred and work undertaken by union representatives funded against the agreed trade union facilities arrangements.

### 3. Current Position and Costs

- 3.1 Trade Union representatives have a statutory right to reasonable paid time off from employment to carry out trade union duties and to undertake trade union training. The facilities agreement provides an effective route for statutory and collective consultation and bargaining, a framework and structure to manage industrial relations and access to branch official from recognised unions, without individual settings being required to put their own potential expensive arrangements in place.

Further detail can be found in the Trade Union Facilities arrangements SLA documentation that has been drawn up in partnership between the Local Authority and the Teacher Trade Unions.

- 3.2 Funding for facilities time for trade unions representing school based employees at a local/branch level have been primarily funded through the de-delegation of School Block funding by maintained schools, for 2018/19 and by formal buy into the Trade Union Facility Time SLA agreement by a handful of academy schools.

- 3.3 The following table summarises the funding allocated to each Trade Union for supply teacher cover for the release of union representatives in respect of union facilities work undertaken during the financial year 2018/19.

<b><u>Charges - based on TU Facility Time Agreement</u></b>	No. Days	Supply @ U4 = £218
NASWT	4	33,136.00
NUT	3	24,852.00
ATL	2	<u>16,568.00</u>
Total Cost		<b>74,556.00</b>
Unison / GMB / Unite contribution		<b>30,000.00</b>

NAHT and any adhoc requests from schools for supply cover for Public duties requests		<b>16,000.00</b>
		<b>120,556.00</b>

- 3.4 Forum members will be aware from facilities agreement documentation that each individual union is allocated manpower resources based on a “time calculation”, which is determined by the level of membership within each trade union. With effect from 1 September 2018 the National Union of Teachers (NUT) and the Association of Teachers and Lecturers ATL) has combined to become the National Education Union. The Local Authority has been working with all the teacher trade union officials to review the current facility time arrangements.
- 3.5 Teaching union colleagues are continuing to review activities and tasks undertaken by those involved under the facilities agreement. In accordance with the facilities agreement trade union representatives carry out a range of complex and demanding activities including advice, representation and negotiation. Representatives attend meetings covering, but not exclusively, disciplinary, grievance, ill health and capability meetings, formal or informal, and consultation meetings on changes to working arrangements including work associated with schools converting to academy status (such as formal sign-off of TUPE arrangements).
- 3.6 Following the review of the existing facility time arrangements it is proposed that the that the annual contribution from all settings to fund a centrally administered union facilities time would be reduced to £2.10 per primary pupil and £4.12 per secondary pupil based on pupil numbers as determined by the Schools Block funding formula.
- 3.7 In addition to paragraphs 3.1 and 3.5 above and Trade Union Facilities arrangements documentation, union colleagues have stated that they are willing to provide Forum Members with a briefing note of the support activity and help they give to schools and academies if required. The following three bullet points summarise the intention of the teaching unions facilities arrangement.
- Governing bodies are responsible under employment law for sanctioning paid time off for employees undertaking trade union duties in their own establishment. Lay officials of each recognised union in each workplace, including staff reps and branch secretaries, have the right to time off with pay to carry out trade union duties (section 168 TULRCA, the Trade Union and Labour Relations Consolidation Act).
  - Such officers also have the right to time off for training if related to TULRCA section 178 (2) matters, (terms and conditions, recruitment,

suspension, dismissal, work allocation, discipline, union membership, time off facilities and procedures, as outlined in the ACAS code of practice below\*). Similar rights are conferred on Trade Union Health and Safety representatives under regulation 4(2) of the safety Representatives and Safety Committees Regulation 1997.

- To save every school having to release employee Representatives from each union to have full and updated training in all issues listed above, Sefton operates a local union officer scheme in which a handful of trained elected officers covers all members in all schools, with a pooled funding model to reimburse schools which release an elected officer for boroughwide duties.

3.8 The return on the investment made in trade union facility time will be many times the sum spent. Recent research commissioned for the TUC from the University of Hertfordshire stated that for every £1 spent between £3 and £9 of benefits were accrued.

#### 4. Funding and Charging Rate Proposals

4.1 Based on the content of previous union administrative papers presented to Forum, the number of schools buying into the current trade union arrangements and the above revised costings, it is proposed that £93,000 is allocated provided supply cover for the release of teaching trade union officials from 1<sup>st</sup> April 2019:

Charges	No. Days	Supply @ U3 = £272
NASWT	4	41,344.00
NUT / ATL	5	51,680.00
Total Cost		<b>93,024.00</b>
NAHT and any adhoc requests from schools for Public duties request		<b>16,000.00</b>
		<b>109,024.00</b>

As well as facility time arrangements, the de-delegated funding from maintained primary schools also includes £7,200 to support staff who are required to be released to cover other public duties (e.g. magistrate duties / Jury Service). It also includes 40 days' supply cover (£8,200) for NAHT branch officers to provide some backfill in school whilst they provide support to other headteacher colleagues and carry casework. The call on this supply will be closely monitored on an annual basis. The cost of both these arrangements is an additional £0.79 per primary pupil based on pupil numbers as determined by the Schools Block funding formula

- 4.2 Schools Forum is asked to formally recommend all schools and academies buy-in to the continuation of the local authority's teacher union facilities agreement. The aim being for all schools and academies by contributing to a 'pool' to share the costs of paying for teaching trade union facilities time and draw on an established wealth of expertise.
- 4.3 Acknowledge that where schools and academies do not buy-in to this union facilities arrangement those settings will be responsible for making their own arrangements for covering work areas/tasks etc. and costs associated with release of officials for representation or training. Trade union representatives employed within the school or academy will be entitled to undertake the full range of functions detailed in the facilities agreement and to appropriate training from their respective union. The unions have advised that a school based representative would need cover for approximately 10 days of initial training per official per union.
- 4.4 It is essential that as many schools as possible contribute to ensure good provision of assistance (skills and experience) and having help readily available to those schools and academies that need it, when they need it. In addition, it is proposed that the commitment entered by schools and academies is for three years (this is consistent with all other support functions offered to schools by the local authority), thereby providing stability and predictability to the quality and level of service provided.
- 4.5 Union officials are actively canvassing schools and academies to commit to arrangements outlined in this paper.
- 4.6 The facility time arrangements for non-teaching unions is currently under review, along with the funding mechanism for contributions from schools, and will be reported to Schools Forum when the review is completed
5. Financial Administration Proposals
  - 5.1 The process for funding the union facilities agreement work from April 2019 will be as follows:
    - The identified costs of providing the service, see above, will be recovered from schools and academies as a contribution based on a standard amount per pupil (for all pupils aged reception to post 16 in primary and secondary schools), agreed planned places for special schools and alternative provision schools and full-time equivalent for nursery aged pupils (nursery schools and nursery classes). Nursery aged pupils attending for 30 hours will be deemed to be 1.0fte.
    - A single point count will be made upon which the annual levy will be based, the October Census data, preceding the traditional financial year, will be used.
  - 5.2 The annual contribution will be recovered through:

- De-delegation, for maintained schools, Schools Forum representatives will be asked to agree, as part of the formal funding model discussion to approve, the charge to be deducted from the school's individual budgets. The funding model will generate each school's contribution and the amount will be separately identified on the schools' funding statement
  - For academies, an "invoice" will be prepared, based on the total membership of each MAT/trust rather than at individual academy establishment level. This will reduce the administration of income collection. Income will be collected during April.
- 5.3 Schools and academies will be asked to sign up to this arrangement for three years, being reviewed in September 2021. However, all schools and academies will be able, as with most schemes previously offered through the local authority, to give three months' notice prior to the start of the following year's provision to withdraw from these arrangements (allowing academies and maintained schools to review their commitment on an annual basis).
- 5.4 Where schools and academies provide staff release time to undertake agreed union facilities agreement work they will for supply cover up to maximum of Teachers Upper Pay point 3.
- 5.5 The scheme will operate based on the financial year April to March.
- 6 What next?
- 6.1 If the above is accepted by Schools Forum, local authority and union colleagues will seek to;
- a) Formal commitment from all academies and MATs to these arrangements
  - b) Progress the de-delegation arrangements for maintained schools as part of the budget approval process which is included in the 2019/20 DSG School Funding paper to be discussed later in this January 2019 Schools Forum meeting.
- 7 Recommendations
- 7.1 Schools Forum members are requested to agree the content and proposals contained in this report.
- 7.2 Schools Forum to formally recommend all schools and academies buy- in to the continuation of the local authority's union facilities agreement. The aim being for all schools and academies by contributing to a 'pool' to share the costs of paying for teaching trade union facilities time and draw on an established wealth of expertise.