

SCHOOLS' FORUM – 17 October 2013

Title of paper:	FUNDING FOR TRADE UNION TIME OFF FOR SENIOR REPRESENTATIVES	
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Summary		
<u>Key points/issues</u>		
<ul style="list-style-type: none"> • Under the new school funding arrangements from April 2013, staff supply cover costs that are currently funded centrally must initially form part of the school formula. However, funding can continue to be retained centrally on behalf of maintained schools if “de-delegation” is agreed. • This report seeks agreement from Schools Forum representatives of maintained schools for funding to be de-delegated for trade union (TU) facility time for senior trade union representatives from schools to attend negotiation and consultation meetings and to represent their members in schools. • It also asks Schools Forum to agree an approach regarding the funding for senior union representatives undertaking their TU duties in academies. 		
Recommendation(s):		
1	<p>It is recommended that Schools Forum representatives of primary and secondary maintained schools:</p> <ul style="list-style-type: none"> • Agree to de-delegate the equivalent of £1,650 per school plus £2 per pupil for 2014/15. • Agree in principle to support de-delegation on an ongoing basis to allow the costs of senior TU representatives cover time to be spread equitably across all maintained schools. 	
2	<p>It is recommended that Schools Forum representatives of Academies</p> <p>Agree the preferred option that academies will contribute to the cost of time off from LA funded trade union representatives.</p>	

1. BACKGROUND

- 1.1 There is an entitlement under the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A) for reasonable time off for trade union officials to engage in collective bargaining and to represent their members.
- 1.2 Time off for workplace reps is currently funded by the schools in which they work but there is central funding for a senior TU representatives from the main unions that represent teachers and support staff in schools namely:
 - NUT
 - NASUWT
 - ASCL
 - ATL
 - NAHT
 - UNSION
 - GMB
 - UNITE

2. REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 These senior representatives meet with officers of the Local Authority to participate in the schools collective bargaining machinery; negotiating and engaging in consultation on terms and conditions of service and HR policies and procedures. If this funding were not available, senior TU representatives would be asking for time off to attend meetings with the Council and this would have to be funded by the school in which they work in order to fulfil their entitlement under TULR(C)A.
- 2.2 Academies do not contribute to this cost at present and some have their own negotiating and consultation machinery in place. As more schools become academies maintained schools will bear a greater percentage of the cost; this seems inequitable. The unions are keen to maintain their presence in academies and if the current arrangements cease the unions will seek to have representatives in each establishment. Academies have funding as part of the DSG formula and will have to meet the cost of representatives for each union in their school if they do not contribute to the LA's arrangements.
- 2.3 There are benefits to academies from contributing to the LA's arrangements for trade union consultation. They would have access to senior representatives of all unions, when needed, sharing the funding of these; doing this would promote good industrial relations; they would not have to duplicate effort for negotiation and consultation in relation to policies and procedures if they buy back HR services, or wish to purchase individual policies and procedures, in the knowledge that the senior trade union representatives have been consulted and any issues resolved. Senior TU representatives are also more experienced in policies and procedures when representing their members which can be helpful to schools and academies.
- 2.4 The Trade Unions have been consulted about these recommendations and have said:

The Trade Unions support the preferred option as outlined in the report.

Good employment relations are key to minimising costs. To achieve this, both schools and the trade unions need effective and positive support for members and employers that can remain locally based. If schools/academies choose not to de-delegate funding then the costs will almost certainly exceed the amounts as recommended in this report. We believe the proposed formula to be affordable based on the current funding provided centrally. The investment is worth making to secure peace of mind regarding providing the time and resources outlined in statute so that the unions are able to represent members both individually and collectively in negotiations and consultation meetings with schools/academies.

For those of you who require further information regarding Facility Time, the TUC produced a report "The Facts about Facility Time for Union Reps" (2011) which is very informative and helpful (see link)

<http://www.tuc.org.uk/tucfiles/108/TheFactsAboutFacilityTime.pdf>

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 Options and implications for maintained schools and learning settings

- Facility time for senior TU reps based in schools has always been funded by centrally retained DSG funding in the past, this report recommends this continues by approving de-delegation for maintained schools.
- If this is not supported the budget will be delegated and schools will have to make their own arrangements for negotiating and consulting with the trade unions on changes to HR policies and procedures which will lead to duplication of effort and inconsistencies across schools.
- TU reps have a legal right to time off to participate in the collective bargaining arrangements of their employer and to represent their members. If the de-delegations were not agreed individual schools would have to bear the cost of the time off for the senior TU reps nominated by their union to participate in these discussions.

3.2 Options for Academies

There are potentially three options for academies:

- (i) They contribute in the same way maintained schools do;
- (ii) They are invoiced for TU time spent in their establishment by the trade union reps, which has been paid for by the LA, and then reimburse the LA accordingly. They invoice the authority for time spent by TU reps, employed by the academy, spent in maintained schools; or
- (iii) They make their own arrangements with the trade unions for representatives from the trade unions amongst their own workforce.

4. OUTCOMES/DELIVERABLES

The money requested is based on actual salary of those employees who have time off therefore those schools including Academies who have a senior TU representatives with time off will receive the actual cost of the absence of that employee. The amount of time off per union is based on the per capita membership

per union based on the actual cost of the TU reps salary. Discussions with the trade unions have taken place at the Schools Working Party.

5. FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)

- 5.1 The de-delegation rates applied to trade union time off are charged at £1,650.00 lump sum per school and £2.00 per pupil.
- 5.2 Based on the latest available DfE indicator data and known academy conversions, the proposal would result in maintained primary schools de-delegating £0.108m and maintained secondary schools £0.013m. Therefore an estimated £0.121m would be available to cover the trade union time off for maintained schools.
- 5.3 The proposal would result in the delegation of an estimated £0.090m to academy schools.
- 5.4 Primary and Secondary maintained school representatives are required to vote separately on behalf of schools in their phase

6. EQUALITY IMPACT ASSESSMENT

Has the equality impact been assessed?

Not needed

7. LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

None

8. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

None