

Committee:	School Forum
Meeting Date:	22 October 2015
Title:	Funding for Trades Union Activities
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Decision making / consultative / information:	Information at this point. Decision making to be done under paper on de-delegation and centrally retained DSG.

What is the Forum being asked to decide?

1. This paper sets out proposals to increase the funding for Trades Union facilities time as part of the de-delegated funding. This paper is for information and influence at this stage and the vote will take place as part of the overall paper on de-delegation and the centrally retained DSG

Reason for recommendation

2. Current funding for facilities time is at 99p per pupil, this paper is proposing a modest increase to £1.50 per pupil as this will allow unions to continue to support the increased levels of case work and TUPE transfers. We believe that this gives good value for money as early support from unions can stop some cases escalating and save schools the costs of more complicated and expensive resolution later on.

Alternative options

3. Alternative options would be to maintain funding at current levels, or to reduce it.

Who will be affected by this decision?

4. This will affect all schools funded through the budget pro-forma. The impact on a 210 place primary would be a reduction of funding of £107 and on an 800 place secondary a reduction of £408.

Main body of the report

5. **Annex A** has been produced by the unions in Suffolk and sets out their case for additional facilities time.
6. We have made it clear to the Unions that any additional funding would need to be focused into frontline support for staff in schools, and irrespective of the decisions of the Forum on funding, we would look to streamline meeting arrangements and make sure facilities time is directed where it will have the most impact.

7. The level of work has increased significantly in the last year. We are now undertaking on average 4 academy conversions per month, and each need to have a full consultation with staff on TUPE transfer arrangements

REPORT TO SUFFOLK SCHOOLS FORUM 22 OCTOBER 2015 ON BEHALF OF ASCL, ATL, NAHT, NASUWT, NUT AND VOICE

Purpose

To review the decision taken by Schools Forum on the allocation of DSG funding for facilities time with a view to improving the arrangements in place to meet the employer's responsibilities to provide paid time off in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, Employment Relations Act 1999, Employment Act 2002, Safety Representatives and Safety Committees Regulations 1977, and Burgundy Book (Conditions of Service for School Teachers in England and Wales).

Background

Following changes to schools funding arrangements in the financial year 2013/14, Suffolk Schools Forum took the decision to de-delegate funds to cover facilities time for trade union duties at the rate of 99p per pupil, and this figure has remained unchanged for 2014/15 and 2015/16. The sum that is available to provide paid time off for representatives of the recognised teacher trade unions to carry out their trade union duties as defined in the relevant employment legislation is proving to be inadequate.

Trade Union duties

These duties include:

- negotiations with the employer on collective issues relating to matters listed in s178 TULR(C)A:
 - terms and conditions of employment, or the physical conditions in which any workers are required to work;
 - engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers;
 - allocation of work or the duties of employment between workers or groups of workers;
 - matters of discipline;
 - a worker's membership or non-membership of a trade union;
 - facilities for officials of trade unions; and
 - machinery for negotiation or consultation, and other procedures, relating to any of the above matters, including the recognition by employers or employers' associations of the right of a trade union to represent workers in such negotiation or consultation or in the carrying out of such procedures;
- performance of other functions on behalf of employees of the employer which relate to the matters above, and which have been agreed with the employer;
- receipt of information and consultation relating to TUPE and Section 188 redundancy notices;
- negotiations under TUPE;
- accompanying members at formal hearings
- attending training relevant to the carrying out of their duties.

Whilst trade union members in individual schools are encouraged to elect a representative in their workplaces, in practice negotiations with the Council and representation of individual members is generally undertaken by elected County union officers who have the training and expertise to carry out this work. In addition to the 'duties' identified above, County union representatives also play a very significant role in assisting the employer in resolving intractable employment situations and in providing support to employees who are experiencing difficulties at work. The benefits of this to the employer should not be underestimated in terms of:

- reducing the amount of management time spent on dealing with individual cases, particularly where union members are in a very distressed state;
- resolving difficult situations at the lowest level, thereby reducing the need for recourse to formal procedures;
- supporting union members who are unwell, thereby minimising sick leave;
- supporting members so that they can remain in their posts, resulting in improved retention of workforce;
- mediating where working relationships between colleagues have broken down;
- brokering settlement agreements where both parties recognise that the employment relationship should end;
- reducing the likelihood of protracted and costly employment tribunal litigation;

Evidence of inadequacy of current funding

County representatives are increasingly finding that recent developments have resulted in significant increases in their workload, but without a corresponding increase in time available for them to carry out their duties. For example:

- Schools Organisation Review, with consequent need to attend a minimum of 3 consultation meetings, as well as providing individual support to members whose posts are at risk;
- Pressure on schools' budgets resulting in increase in section 188 redundancy consultations;
- Pressure on schools from Ofsted resulting in an increase in the instigation of capability proceedings;
- Increase in TUPE consultations required when schools become academies;
- Representation of members at pay progression appeals following introduction of performance related pay in 2014;
- Increased discretion for individual schools to set their own policies, for example in relation to pay and appraisal, with consequent need to respond to multiple consultations at school rather than Authority level.

Most head teachers and governors will recognise these factors as having increased their workload in recent years, and will therefore appreciate the knock-on effect on trade union representatives.

The consequence for County union officers is that they are having to spread themselves increasingly thinly, resulting in:

- delays in setting up meetings,
- reduced time for preparation
- soaring stress levels.

It should be borne in mind that whilst head teachers and local authority officers with whom they are working on a day to day basis have administrative support and back up from colleagues, most union officers are lone workers who have to undertake their own background work, research and admin during evenings and weekends. In addition to this, most of their contact with union members will inevitably take place outside the school day, which for many teachers does not end until 6pm.

Comparison with other Local Authorities

Whilst it is recognised that each local authority operates in different circumstances, the teacher unions can confirm that the Suffolk per pupil de-delegation rate for trade union facilities time is the lowest in the Eastern Region where there are a number of similar rural authorities receiving comparable levels of funding from central government. For example, in neighbouring Norfolk, the de-delegation rate is £2.99 per pupil, more than three times that in Suffolk. It is also worth noting that the funding of facilities time across the Eastern Region is low in comparison to other parts of the country, so overall Suffolk is right at the bottom in terms of funding for facilities time for teacher unions.

Increase requested

The teacher unions are requesting a per pupil increase in the sum to be de-delegated for facilities time from 99p to £1.50. The unions understand the pressures on school budgets, but believe that this relatively modest increase will prove to be a good, cost-effective investment in terms of the benefits accrued both for union members and for management in circumstances that often cannot be predicted or anticipated.

Other measures

As well as seeking an increase in the facilities time budget, local authority officers and the teacher unions are conducting a joint review of the existing consultation machinery to ensure that it is as streamlined and efficient as possible. It is recognised that there may be scope for reducing the number of meetings by combining some of the negotiating forums, but it is not anticipated that this will resolve the difficulties currently being experienced. Nonetheless, the unions want to emphasise to Forum members that additional strategies are being explored to deal with this element of County union representatives' role, but there remains a much more significant problem in relation to representation of members at school level.

5 October 2015