

TRADE UNION FACILITY TIME WORKING GROUP
REPRT TO THE SCHOOLS FUNDING FORUM

1. Membership

Secondary	Primary	Trade Unions	LA
Simon London	Nigel Emes	Keith Passingham	Louise Howard
Keith Williams	Chris Hobson	Ray Waxler	David Allen
		Dave Thomas	

2. Meetings

Two meetings of the Working Group were held on 14th February and 5th March 2014. Nigel Emes chaired the meetings and terms of reference were agreed as follows:

To review the current arrangements for trade union facility time in Havering and to make recommendations to the Schools Funding Forum for future arrangements from 2014-15.

Members agreed to respect the confidentiality of individuals' salary information that may be considered as part of the review.

3. DFE Advice

The DFE had issued non statutory advice to school leaders, governing bodies, employers and employees following the call for evidence during the autumn term.

The full document is attached and the main points were as follows:

(a) Time Off

Union representatives are entitled to reasonable **paid** time off during working hours for:

Negotiations with the employer on issues such as collective bargaining, terms and conditions, redundancy and dismissal (including preparation, attending meetings and informing members of progress and outcomes)

Matter of discipline such as accompanying employees to internal hearings

Attending training in aspects of industrial relations (as provided by the Trade Union Congress or relevant trade union)

Training and duties of Learning and H&S reps

Union representatives are entitled to reasonable **unpaid** time off during working hours for:

Meetings with full time officials or branch, regional or national meetings of the union

Meetings of official policy making bodies such as national executive or annual conference

Workplace meetings to discuss and vote on the outcome of negotiations

Voting in union elections

(b) Management of facility time

There were various arrangements in place following the delegation of funding for facility time in 2013-14. Some Schools Forums had agreed de-delegation and some had not. Some academies had agreed to buy back into a central pool and some had grouped together or made their own arrangements. There were examples of arrangements in different LAs and academy trusts.

(c) Efficiency, accountability and transparency

The DFE view was that trade union reps should be grounded in classroom practice and no teacher funded by the taxpayer should work full time on union work. The expectation of the DFE was that all trade union representatives should spend the majority of their working hours on their school based jobs and that it should be possible for all local reps to fulfil their union duties in one day a week or less.

Annual costs ranged between £1 to £5.70 per pupil, Havering was at the top end of this. Many LAs had reduced spending to 0.1% of the pay bill and some as low as 0.05%.

Trade union representatives should be accountable to their managers and/or employers for the duties and activities carried out during their facility time. As much notice as practically possible should be given to managers when requesting time off.

Reporting arrangements should be put in place to capture details of duties and activities undertaken. This could be a termly report to the schools forum of the total hours spent under agreed headings. There should also be a code of conduct.

From 2014 LAs would need to publish decisions made by their Schools Forum of facility time spending and academies would need to include details of facility time spending as part of their published financial reports.

4. Areas of discussion

- (a) Budgets and costs per pupil from 10 LAs were circulated with Havering the highest.
- (b) The cost of providing facility time to each trade union was circulated. The funding was used to reimburse schools that had the trade union reps on their payroll and was calculated on the agreed FTE of facility time and the salary of the union rep. Some reps were not attached to a school and were paid direct on the receipt of timesheets. There were no line management arrangements in place for these staff.
- (c) It was recognised that the reps funded from this budget dealt with issues at a higher level than the school based reps and were accredited to deal with case work and indemnified by the union. Two days training is required to deal with stage 2 and 3 case work which needs to be refreshed regularly. They also provided valuable proactive support in dealing with disputes to prevent them from becoming more major issues.
- (d) Secondary schools allow time off for school based trade union representatives costing, on average £7,500. Added to the £5,000 contribution to the central pool the cost is £12,500.

Primary schools did not allocate in-school facility time to the same extent as secondary schools and were content with the current arrangements of de-delegation.

- (e) It was noted that two academies had decided not to pay into the central pool. Unions would be advised to withdraw support.
- (f) Any reductions in the amount of facility time allowed for particular trade unions would impact on the schools or academies at which they are employed and notice would need to be given for timetabling purposes.
- (g) Entitlement to additional days facility time was confusing and not widely accessed.
- (h) The LA's formal facility time agreement was considered. The Education Annex (Appendix 5) would need to be reviewed .

5. Recommendations to the Schools Funding Forum

- (i) Facility time for school based reps to be as follows:

All meetings with head teachers and management as well as meetings in which reps support member (e.g. disciplinary, capability meetings) must be held in timetabled time (not lunchtime or before or after school).

All meetings which take place in non contact time must be compensated with equivalent non contact time.

Reasonable time off for training should be allowed.

- (ii) The current allocation of facility time to the trade unions is changed to bring it in line with membership as follows:

	Current FTE	Membership	Revised FTE
NUT	1.2	1,294	1.42
NASUWT	0.9	726	0.80
ATL	0.5	410	0.45
VOICE	0.19	150	0.16
NAHT	0.1525	100	0.109
ASCL	0.0575	63	0.069
TOTAL	3.00		3.00

Support staff

Unison to remain at 0.5 FTE and consideration given to the allocation of facility time for GMB.

- (iii) As a first step towards reducing the costs, charges to be based on £4 per pupil including 6th form pupils. The impact on de-delegation for maintained schools and the contribution from academies will be as attached.
- (iv) Reduce the budget by £11,250 that provides additional days for each trade union. This is currently as set out below but the recommendation is to remove this additional allowance.

	Days	Additional Days	Total Days
NUT	5	15	20
NASUWT	5	15	20
ATL	5	12	17
VOICE	5	0	5
NAHT	5	3	8
ASCL	5	0	5
TOTAL	30	45	75

- (v) From 2014-15 Schools Forums would be required to publish decisions made in funding facility time and academies would need to include details of facility time spending as part of their published financial statements.

A monitoring report would therefore need to be devised to capture traded union activities undertaken and an account of total hours spent under agreed headings.