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| Communications With Schools | | London Borough of Havering Children's Services | | |
| Subject: School Funding Reforms 2013-14: trade union facility time | | | | |
| Action | URGENT | | Function | |
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| | DISTRIBUTE TO STAFF | | | |
| | DISTRIBUTE TO GOVS | | | |
| | DISTRIBUTE TO PARENTS | | | |
| | REPLY BY: | 12/10/12 | | |
| | | | Information | |
| | | | Guidance | |
| | | | Consultation | ✓ |
| | | | Data Collection | |
| | | | Bidding opportunity | |
| | | | Courses | |
| | | | Other | |
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The Government's school funding reforms will bring a number of changes to the current funding arrangements. Work is continuing on developing the new funding formula and other changes such as arrangements for SEN and further information will be sent to you as the final position becomes clearer.

This communication is at the request of the Schools Funding Forum to seek your views on the arrangements for Trade Union facility time.

In constructing school and academy budgets for 2013-14, the requirement is that the budgets for some services currently held centrally are initially delegated to schools and academies i.e. the total amount of funding that is distributed to schools through the formula is larger but schools and academies then have responsibility for providing or buying in those services. For academies this means that there will be no LASEG element for services funded from the Dedicated Schools Grant (DSG) as the funding will already be in academy budgets.

For the services affected (see Appendix A) the Schools Funding Forum can decide on behalf of the schools they represent to de-delegate the funding so that services can continue to be provided to maintained schools from centrally retained budgets. Where de-delegation is agreed it is likely that this will be on the grounds of economies of scale or pooled risk.

De-delegation applies only to maintained primary and secondary schools. For academies and special schools, de-delegation is not permitted.

The Schools Funding Forum has made decisions on de-delegation of some services but wishes to seek the views of head teachers of academies and special schools before making decisions on the treatment of trade union facility time.



Current Arrangements

There is currently a budget of approximately £200,000 held centrally to fund the facility time of trade union representatives from NUT, NASUWT, NAHT, ATL, PAT, ASCL and Unison. The central budget includes funding held back from academies as agreed by the Schools Funding Forum and the DFE.

Trade union representatives are generally teaching staff on the payroll of schools and academies and this budget reimburses the school/academy for the teachers' salary costs at the relevant FTE.

These arrangements allow representation of all trade union members regardless of whether they on the staff of maintained schools and academies.

Position from 2013/14

The position as it stands for 2013/14 is that the £200k budget will be delegated and schools and academies will receive approximately £5.70 per pupil as part of their funding. Based on the current number of academies this will distribute approximately £58,000 to academies and special schools and £142,000 to maintained schools.

Even if the Schools Funding Forum approves de-delegation on behalf of maintained schools, without recovering the £58,000 from academies and special schools there will insufficient resources to continue the current arrangements.

This will mean that schools and academies will have additional funding against which they have no costs and those with trade union representatives on their staff will have insufficient funding to meet the salary costs of their facility time.

Proposal

It is proposed that the current arrangements continue with agreement by the Schools Funding Forum of de-delegation of the £142,000 on behalf of maintained schools and that each academy agrees to be invoiced for the element of funding (at approximately £5.70 per pupil) that is included in their delegated budgets.

This will, of course be a decision for each academy and special school although if not agreed, the central budget will fall short by the amount included in that academy's funding.

Attached is a summary from NASUWT which sets out the position clearly, a version of which was considered by the Schools Funding Forum.

I am asking for an 'in principle' decision on this issue by 5th October so that further consideration may be given to the future of arrangements for trade union representation at the next meeting of the Schools Funding Forum. Please could I have this for each special school and academy or from a representative on behalf of a group of academies. A brief email that simply states whether or not you agree to be invoiced for the proportion of the budget included in your funding will suffice. Please let me know if I can assist in any discussions between head teachers.



David Allen
Finance Manager

APPENDIX A

| Services for which central funding is delegated to all schools and academies | De-delegation permitted for maintained schools? |
|---|---|
| 4-16 practical learning options | No |
| School meals (primary/special; secondary is already delegated) | No |
| Allocation of contingencies e.g. exceptional unforeseen costs support for schools in financial difficulties | Yes |
| Administration of free school meals eligibility | Yes |
| Insurance | Yes |
| Licences/subscriptions | Yes |
| Staff costs - supply cover (long-term sickness, maternity, <u>trade union and public duties</u>) | Yes |
| Behaviour support services | Yes |
| Support for minority ethnic pupils or underachieving groups | Yes |
| Library and museum services | Yes |



APPENDIX B

**Statutory position**

Sections 168-170 of the Trade Union and Labour Relations (Consolidation) Act 1992 and Section 10 of the Employment Relations Act 1999 give statutory provision on time off for trade union representatives.

Provides statutory rights for: -

- a) Paid time off for union representative to **accompany** a worker to a disciplinary or grievance hearing
- b) Paid time off for union representatives to carry out trade union **duties**
- c) Paid time off for union representatives to attend union **training**
- d) Paid time off for union “learning representatives” to carry out **learning activities**

Additionally, the Safety Representatives and Safety Committees Regulations 1977, amended 1996, require employers to allow union health and safety representatives paid time off, as is necessary, within working hours, to perform their functions.

Benefits of trade union representatives

1. Union representatives carry out a wide range of often demanding and complex roles, including;
 - Provision of **informal advice** to their colleagues
 - **Formally representing** members in grievance, capability/competency and disciplinary hearings
 - **Negotiating** with managers
2. Many union representatives carry out a number of specialist roles
 - in relation to health and safety at work
 - improving access to learning and skills
 - improving equality and diversity in the workplace
3. It has been proved that workplaces where there are union representatives **reduce the number of cases going to Employment Tribunal, reduce working days lost due to workplace injury, reduce work related illness.**
4. Effective local union officers help both members and school leaders alike
 - To understand the effects of organisational changes
 - To help resolve reorganisation issues
 - To act as a conduit for staff views
 - thus minimising impact of changes in schools



5. Effective local union officers ensure schools (and Local Authorities) fulfil their legal obligations. Removing central facility funding is likely to result in the loss of these experienced local officers to both the schools and LA officers.
6. Centrally funded local trade union officers are **legally indemnified** to carry out casework up to, but not including, dismissal. All cases involving contract termination are carried out by NASUWT paid officials (two cover Greater London area).
7. Funding for time off for trade union officers allows them to attend meetings during the working day.
8. Without funding, meetings such as disciplinary, grievance, ill-health, capability, both formal and informal, and consultation over changes to working practices, would be more problematic to arrange. They would have to take place outside the normal working day, with possible cost implications.
9. Local union officers help to resolve issues at an early stage. If central funding were to disappear, fewer issues will be informally resolved, resulting in an increase in costs to schools, together with increased workload for school leaders and LA officers. This would result in an escalation of disciplinary, grievance and capability issues, with a greater chance of going to employment tribunals.

Current Arrangements

1. **These allow a small group of representatives to develop expertise and skills in order to serve as local officers across a large number of schools and workplaces.**
2. If central funding were to cease, this would end. **Each school** would then be **required to provide paid time off to trade union representatives for duties relating to union members, as well as time off for training to do so – up to the level where they are indemnified to carry out casework at that level.**
3. There would be a considerable financial consequence for schools as this would be greater than the funding delegated.
4. Cases are unlikely to be resolved quickly.
5. Current arrangements efficiently pool the cost as well as allowing trade unions to provide effective support with well trained, experienced local officers.
6. Current arrangements allow schools and the LA to **determine the pattern of absence** for local trade union officers at the start of the school year and make appropriate arrangements to **avoid disruption to teaching and learning.**
7. NAHT recognise the importance of retaining the central arrangements for Facilities Time

NAHT Headquarters Circular No: BR18 /12 - 13 July 2012
Priority: 1 (= Urgent, immediate attention required)

NAHT fully supports the retention of Facilities Time central arrangements, as now.
This is because:



- It allows Facilities Time for the people who discharge the responsibilities on behalf of each union and; It allows Facilities Time for the people who discharge the responsibilities on behalf of each union and;
- It allows the school budget that is affected to be reimbursed.

Delegated funding for each school makes no sense neither for us as a union nor for NAHT members as school leaders managing school budgets.

Members must be encouraged to think about the impact this would have on them as NAHT members and the possible effect on the representational and organisational role of their local Branch Secretary.

Without centrally retained arrangements each school would be delegated a marginal additional amount of funding. However, the impact of delegated funding for each school would create a disproportionate and adverse effect on schools in the LA where union representatives are employed. Therefore, if you are leading a school where you have a local union representative employed, the school budget is likely to be severely affected as the school will no longer be reimbursed proportionately for the time taken by the union representative away from the school.

Costs arising from delegation

1. Supply cover costs for facility time will fall unevenly across schools. Delegated funding will be allocated to all schools on a pupil related formula.
2. Delegated funding to an individual school will not match the needs of a school that are liable to pay the costs of facility time for local trade union officers.
3. The total funding required to provide facility time to all school representatives, and to train them to the necessary level, will be **far greater than that currently provided by the central facilities budget.**
4. The DfE has accepted that central retention of the Facilities Time funding should be permitted on economies of scale grounds and pooling the risk. It is included in one of the few areas where de-delegation can take place.
5. Delegation of funding will **increase the risk of individual schools** bearing a disproportionate cost for something which benefits all schools.
6. **Additional costs and workload** for schools will result from the disruption of the current facility time arrangements. Additional work will be created for school leaders.

Central Funding

1. The continuation of the current arrangements will benefit all schools, both financially and in terms of workload.
2. This also applies to academies. They remain subject to statutory requirements to provide facilities time to trade union representatives in relation to their duties undertaken in respect of academy employees.



3. Academies are able to buy back into the LA facilities time arrangements. This will enable their staff to be represented through the central arrangements and where a local officer is employed by the academy, that academy will continue to receive reimbursement of costs.

