
Meeting: Central Bedfordshire Schools Forum
Date: 21 January 2013
Subject: Trade Union and Professional Associations
Report of: Deputy Chief Executive and Director of Children's Services
Summary: To seek approval for the de-delegation (where appropriate) for Primary and Secondary Schools and the retention of funding from the Early Years and High Needs Block funding for facilities release time for Trade Unions and Professional Associations.

Advising Officer: David Waller, Employee Relations & Policy Manager / Catherine Jones, Head of HR Policy and Development, Technology House, Bedford
Contact Officer: David Waller, Employee Relations & Policy Manager / Catherine Jones, Head of HR Policy and Development, Technology House, Bedford
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS	
Council Priorities:	
•	Improved educational attainment.
Financial:	
1.	N/A
Legal:	
2.	N/A
Risk Management:	
3.	N/A
Staffing (including Trades Unions):	
4.	N/A
Equalities/Human Rights:	
5.	To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.

6. Public Authorities must ensure that decisions are made in a way which minimises unfairness, and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision.

Public Health

7. N/A

Community Safety:

8. N/A

Sustainability:

9. N/A

Procurement:

10. N/A

RECOMMENDATION(S):

The Forum is asked:

1. **To vote to de-delegate funding from the Lower School Phase.**
2. **To vote to de-delegate funding from the Secondary School Phase (Middle & Upper).**
3. **Monies allocated for facilities time from the Early Years & High Needs Blocks are not required to vote for de-delegation however it is recommended consideration is given for the allocation of funding for facilities time.**
4. **All de-delegated funding and funding from the Early Years and High Needs Blocks to be used to facilitate release time for Trade Unions and Professional Associations in accordance with the costs allocated in Appendix A.**

Background

11. Trade union representation is required by law and there is a need for schools to consult with the trade unions in accordance with School Teachers Pay and Conditions. Union representatives also have a statutory right to reasonable paid time off from employment to carry out trade union duties and to undertake trade union training. (Trade Union and Labour Relations (Consolidation) Act 1992)

12. It is recognised that trade unions and professional associations make a significant contribution to the smooth running of schools, both locally and nationally. The funding system for schools should include full recognition of school workforce trade unions and should enable the effective engagement of school workforce trade unions in local consultation and collective bargaining.

Facilities Funding 2013/14

13. From 2013/14 the Dedicated Schools Grant (DSG) will be split into three notional funding blocks:
- Schools Block
 - Early Years Block
 - High Needs Block
14. The Schools Block includes the delegated budgets of Lower, Middle and Upper Schools. Funding within the Schools Block that is currently retained by the Authority **must** be delegated to schools. However the following exceptions, applicable to Central Bedfordshire, are area's where decisions regarding the de-delegation of funding may be made.
- (a) Contingencies (including previous amounts for schools in financial difficulties)
 - (b) Staff costs – supply cover (Facilities Time for Union Duties)
15. Following the proposed changes to the DSG regulations from 1st April 2013 consultation was undertaken with Schools with regard to proposed school funding for 2013/14 including the de-delegation of facilities funding for the Primary and Secondary phases. The decision relating to de-delegation within each phase is to be determined by Schools Forum.
16. The Early Years and High Needs Blocks of funding are not to be de-delegated under the revised funding arrangements. It is requested therefore that an allocation of funding be assigned from each block, to contribute to the staff costs - supply cover for the facilities time of Trade Union Representatives, which will be retained by the Council.
17. Appendix A provides a cost model of volumes and eligibility of Trade Unions and Professional Associations including the costs per pupil for the Lower and Secondary Phases. The model is based on all phases de-delegating facilities funding and the Council retaining the appropriate level of funding from the Early Years and High Needs blocks.
18. The estimated total cost for facilities funding for 2013/2014 is £64,350. This cost is inclusive of the Primary and Secondary phases and Early Years and High Needs Blocks.

19. The de-delegation of funding is for the financial year 2013/14 and will be reviewed on an annual basis, including a review of Trade Union membership numbers and the Trade Union Facilities Agreement.
20. Schools which become an Academy during the funding period will have continued access to Trade Union Facilities Time. A school which becomes an Academy will not however be part of Central Bedfordshire Council's collective bargaining process as the Academy Trust becomes the employer upon conversion and will be responsible for any consultation relating to Academy policies or procedures.
21. The costs for representation of employees for the central establishment of the Council is funded through the Council's Central Facilities Agreement.
22. The number of pupils in schools maintained by Central Bedfordshire Council has been based on the January 2012 census. Schools Forum will be advised of the costs per phase based on the number of pupils maintained by Central Bedfordshire Council as at October 2012 when this is known.
23. Appendix B provides a frequently asked questions document for all schools regarding their statutory responsibilities they need to comply with should the school elect not to de delegate funding for Facilities time. These statutory responsibilities are contained within employment legislation and also the Teachers Conditions of Service (Burgundy book) and NJC Conditions of Service (Green book).
24. It is proposed the Frequently Asked Questions document is provided to schools following the meeting of the Schools Forum.

Summary of allocated spend on Facilities Time 2012/13 to 30 November 2012

25. £91,632 of funding has been allocated for the financial year 2012/13. Any balance of unallocated funding at the end of the financial year 2012/13 will be returned to School Contingency. No claims have been made for magistrates duties up to 30th November 2012 therefore none of the £5,270 allocated funding for these claims has been used to date.
26. It is requested that the Schools Forum continue to agree to support the work with Trade Unions and Professional Associations by continuing the allocation of funding for 2013/14 through the de-delegation of monies for facilities time, retained by the Council for each school phase and Early and High Needs blocks where applicable, as detailed in Appendix A and the recommendations of this report.

Trade Union Facilities Agreement – Schools - 2013/14

27. A consultation process has been followed with the recognised trade unions and Professional Associations with regard to reaching agreement in relation to a revised Facilities Agreement.

28. The Facilities Agreement for 2013/14 is provided in Appendix C.
29. The Facilities Agreement details the volumes and eligibility of Trade Unions and Professional Associations to claim payment in order that Schools be able to adequately cover staff time lost. Eight Trade Unions and Professional Associations are formally recognised as part of this agreement.
30. In order to address the issue of the revised funding mechanism and provide accurate costs for facilities time for each phase the Trade Unions were asked to provide membership numbers in each phase.
31. The Facilities Agreement for Representatives of Recognised Unions and Professional Associations (Teacher and School based Staff) is due for review on an annual basis. It is proposed that a review for the allocation of funds for 2014/2015 takes place in the Autumn Term of 2013 with a view to establishing the future funding requirements in light of the changing educational environment in Central Bedfordshire Council and the annual decisions with regard to the de-delegation of facilities funding by each school phase.

Appendices:

- A** Volumes and Eligibility of Trade Unions and Professional Associations
Cost Model including facilities costs per phase and by pupil
- B** Retained Facilities Funding Frequently Asked Questions Document
- C** Facilities Agreement for Representatives of Recognised Unions and
Professional Associations (Teachers & School Based Staff)

Background Papers: (open to public inspection) None