

## **Appendix B**

### NASUWT response to Central Bedfordshire proposals to the Schools Forum for 2014-2015.

This response focuses on the section headed Centrally Provided Services, starting at paragraph 79, and specifically funding for Trade Union Facility Time. It relates to Question 21 but we wish to respond in this form to give an element of explanation.

Facility Time relates to provision in law and ACAS Guidance in order for elected local trade union officers to represent members. While there is entitlement to representation in formal settings (Disciplinary, Capability, Grievance etc) it has often been the case that these emotionally taxing and time-consuming procedures can be forestalled or curtailed through informal involvement by union representatives.

This could involve speaking to, or e-mail correspondence with, a member or school representative. In individual cases it can lead to a matter being resolved without the school even knowing there had been an issue, in others a sense of grievance can be removed by explanation of how policies and procedures work.

A recurring example is the person who feels aggrieved their resignation has not been accepted for the date that they looked for. Explanation of Burgundy Book conditions of service can at least assure the member that there is no individual motive in a decision to stick to resignation dates.

Much of this already takes place outside the school day. However, there are times when a visit to a member at school, or an informal meeting with a headteacher, can clarify matters and prevent a more serious issue arising.

Where more formal procedures are involved, the time to prepare, attend and conduct hearings is vital. Matters can be dealt with more speedily than if Facility time were not available. And it is usually possible to avoid a situation where matters are delayed or exacerbated to the point where solicitors or Tribunals become involved, causing further delays and costs.

The provision of Facility Time for duties is best provided through a dedelegated sum. One nearby authority has tried a system whereby a union representative's school invoices the 'receiving' school for the time a member of their staff spends in the 'receiving' school. It has already proved cumbersome, time-consuming and steps are being taken to try and change things by dedelegation.

It is sometimes suggested that a union's school representatives can take on the role hitherto undertaken by locally elected officers. This has some merit. However, given the union's legal obligation to provide someone of suitable qualification/experience, it means each school would have to provide, and fund, several days for each union's representative to undertake training to a

suitable level (the standard TUC course is 10 days), with refresher training on changes in law and conditions of service in subsequent years.

It is also likely to lead to delays as it takes time for a person taking on this role to acquire appropriate skills and confidence. And they would still need facility time for their work in the school.

It is also sometimes suggested that schools – particularly if they have no recent experience of a major issue – could pay for union time only when they need a lay official for a school case. This has, as said above, led to practical difficulties in another authority. But the main objection is that there is no set time that can be assured as being funded. Therefore a union representative cannot have timetabled Facility Time for the coming year, as it is unknown when, or how much, they will need to be out.

Thus, any time spent on union work would have to come from time when the representative is timetabled to teach, meaning short-term cover with the costs, problems and disruption to teaching that causes. This used to happen up to the 1990s, and was replaced by union officials (particularly local secretaries) having specified times. There is no advantage, and considerable potential educational disadvantage, in going back to a system where union officials, to carry out duties, have to miss teaching time. It is something they, and we believe schools, would find unacceptable.

The dedelegated Facilities Time arrangement is not perfect – quite often a meeting does not match the time a union representative has available. But it is the nearest to a system that allows the advantages of, and requirement for, union support for members and schools without costing specific schools an undue amount, either of money or of disrupted lessons.

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