
Meeting: Central Bedfordshire Schools Forum
Date: 14 October 2013
Subject: Trade Union and Professional Associations
Report of: Deputy Chief Executive and Director of Children's Services
Summary: To seek approval for the continuation of funding for facilities release time for Trade Unions and Professional Association. This would be through de-delegation (where appropriate) for maintained Primary and Secondary Schools. Nursery and maintained Special Schools would be invoiced directly, subject to their agreement to release funds for this purpose.

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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 members of the School's Forum who are entitled to vote are asked:

1. **To agree whether to de-delegate funding from the Lower/Primary School Phase.**
2. **To vote agree whether to de-delegate funding from the Secondary School Phase (Middle & Upper).**
3. **Monies allocated for facilities time to Nursery and Special Schools are not able to be de-delegated by these schools. However, it is recommended that consideration is given by these schools for an allocation of their funding to be used to facilitate release time for trade unions and professional associations. These schools would be contacted and invoiced directly in respect of the cost per pupil as detailed in paragraph 18 (subject to point 4 below).**
4. **To note that the overall cost and the cost per pupil (paragraph 18) is likely to change as a result of the 2013 Pupil Census, trade union membership numbers and the impact of mid year academy conversions.**

Background

11. Union representatives 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). There is also a need for schools to consult with the trade unions in accordance with School Teachers Pay and Conditions.
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 2014/15

13. From 2013/14 the Dedicated Schools Grant (DSG) was 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. Consultation has recently been undertaken with Schools with regard to proposed school funding for 2014/15 including the de-delegation of facilities funding for the Lower/Primary and Secondary phases. The decision relating to de-delegation within each phase is to be determined by those members of Schools Forum who represent maintained schools.
16. It is not possible to de-delegate funding from Nursery and Special Schools. As this is the case, these schools will be contacted directly and are able to allocate their 'top up' funding to facilitate the release time for trade unions and professional associations. Those schools indicating their agreement will be invoiced on a cost per pupil basis.

17. Cost of Facilities Funding 2014/15

The estimated total cost for facilities funding for 2014/2015 is £48,240 and the estimated cost per pupil is £3.31. This cost is inclusive of the Lower/ Primary and Secondary phases. The estimated total cost has been calculated by the Finance Department using the actual cost per pupil rate from 2013/14 (£3.31) multiplied by the estimated number of pupils.

18. The number of pupils in schools maintained by Central Bedfordshire Council has been based on the October 2012 census. Schools Forum will be advised of the costs based on the number of pupils in maintained schools as at October 2013 when this is known, along with the impact of academy conversions on these numbers.
19. It is important to note that the overall cost and cost per pupil is also affected by trade union membership numbers. These are currently based on the 2013/14 figures. As such, the cost is likely to change when the figures for 2014/15 are provided in accordance with the current Facilities Agreement (Schools).
20. The costs for representation of employees for the central establishment of the Council is funded through the Council's Central Facilities Agreement.

Trade Union Facilities Agreement – Schools - 2014/15

21. The facilities agreement provides detail on the membership numbers and eligibility of trade unions and professional associations to claim payment in order that schools be able to adequately cover staff time lost. Eight of the recognised Trade Unions and Professional Associations are able to claim as part of this agreement.
22. Consultation is currently ongoing with the recognised Trade Unions and Professional Associations in relation to the earlier collection of membership numbers as a result of changes to the financial reporting timescales by Central Government.
23. The FAQs in Appendix A formed part of the consultation with schools and highlighted the considerations schools would have to make should funding not continue (Q30 -43). For example, the economies of scale of using experienced branch representatives would be lost. Schools would rely on their own individual school based or regional representatives. Involvement of the latter may result in delays in managing processes, whilst the former would require reasonable time off with pay for these duties.
24. Timothy Ramsden, NASUWT Negotiating Secretary has submitted a response on behalf of the NASUWT to Central Bedfordshire proposals to the Schools Forum for 2014-2015 (Appendix B)

- 25 Following the conclusion of the consultation with the Trade Unions and Professional Associations, the receipt of Trade Union Membership data and the receipt of the 2013 Pupil Census data a further report with the re-calculated costs will be presented to the Schools Forum in January 2014
- 26 Members of the Schools Forum are requested to continue to support the work with the Trade Unions and Professional Associations by continuing to agree funding for 2014/15 as recommended in this report.

Appendices:

- A** Retained Facilities Funding Frequently Asked Questions Document
- B** NASUWT response to Central Bedfordshire proposals to the Schools Forum for 2014-2015.

Background Papers: (open to public inspection) None