

Trade Union Facilities Time

Report of: David Waller, HR Policy & Implementation Manager

Responsible Director(s): Sue Harrison, Director of Children's Services

This report relates to a decision that is Non-Key

Purpose of this report

To seek approval for the continuation of funding for facilities release time for Trade Unions and Professional Associations. This would be through de-delegation (where appropriate) for maintained Lower, Primary, Middle and Secondary Schools. Nursery and maintained Special Schools would be invoiced directly, subject to their agreement to release funds for this purpose

RECOMMENDATIONS

The Forum is asked to:

- 1. To agree to de-delegate funding from the Lower/Primary School Phase for the use of Trade Union facilities time at £2.51 per pupil.**
- 2. To agree to de-delegate funding from the Secondary School Phase (Middle & Upper) for the use of Trade Union facilities time, £2.51 per pupil.**
- 3. To continue to allocate the per pupil funding cost of Trade Union facilities time equally across all phases.**

Background

1. 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.

2. 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.
3. During the current period of facilities funding the Trade Unions have entered into collective consultation in relation to the following:
 - school policies and processes with officers of the Council;
 - the representation of staff in the consultation for the closure of three middle schools and subsequent consultations during the on-going structural reviews of the schools that are to close;
 - the TUPE transfer of schools to Academy status and service provision TUPE transfers both into schools and out of schools;
 - ongoing support and representation of members relating to school-based matters.
4. Local authorities receive allocations of Dedicated Schools Grant (DSG) to finance the Schools Budget in each authority. The full DSG received must be applied to the Schools Budget in each local authority; although authorities may provide additional resources in support of the Schools Budget should they decide to do so. The Dedicated School Grant is split into four notional blocks: Early Years, High Needs, Schools and Central Schools Services
5. 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)
6. The decision relating to de-delegation within each phase is to be determined by those members of Schools Forum who represent maintained schools.

Please note that the vote is for Maintained Lower and Primary and Secondary phase schools only. Academy Schools are not included in this report.

Maintained Nursery and Special Schools are included in this report however do not have a vote.

7. It is not possible to de-delegate funding from Nursery and Special Schools therefore Maintained Nursery and Special schools will be invoiced for the associated costs on an equivalent cost per pupil basis of £2.48 per pupil.

8. In 2014/15 it was agreed by the members of Schools Forum that the costs would be divided equally across all phases. It is recommended that this arrangement continues for 2019/20 so that the costs are proportioned across the phases.

2018/19 Facilities Time Budget Update

9. The following table sets out the expenditure to 31 December 2018 (to Quarter 3).

	BUDGET £	SPEND £	BALANCE £
Budget Allocation 2018/19	55,721.64		
VOICE		0	
ASCL		0	
NEU - NUT		6,412.50	
NASUWT		2,137.50	
NEU - ATL		6,412.50	
NAHT		1,111.76	
Unison		5,400	
GMB		9,288	
Total	55,721.64	(30,762.26)	24,959.38

The expected spend to the end of the year is £50,795.

ASCL and VOICE although whilst recognised and are provided Facilities Time, do not currently have a Local Trade Union representative and have therefore not made any claims for recompense. The allocation for ASCL and ATL for 2018/19 if not claimed will be brought forward as an underspend and used to reduce the cost per pupil for 2019/20.

Cost of Facilities Funding 2019/20

10. The estimated total cost for facilities funding for 2019/2020 for Maintained Primary and Secondary phases is £43,130.64 and the estimated cost per pupil is £2.51. The estimated total cost for Nursery and Maintained Special Schools is £1,469.35 and the estimated cost per pupil is £2.51.

The estimated total cost has been calculated by multiplying the actual cost per pupil rate for 2019/20 by the October 2018 pupil numbers census.

11. A potential remaining balance of £4,926.64 from the 2018/19 funding period will be carried forward to the 19/20 funding period therefore reducing the costs per pupil.

The brought forward balance is drawn from funds not claimed by the Trade Unions in the 18/19 funding year.

The following table sets out the estimated costs as a result of the off set of remaining balance.

Estimated total facilities funding 2018/19 Maintained Primary and Secondary,	Cost per pupil	Remaining balance 2018/19 for maintained Primary, Secondary nursery and special schools	Estimated adjusted total facilities funding for 2019/20 Maintained Primary and Secondary	Estimated Revised cost per pupil 2019/20(All phases)
£44,600	£2.51	£4,926.64	£39,673.36	£2.21

12. The estimated total cost for facilities funding for Maintained Primary and Secondary Phases including the off set of 2018/19 remaining balance is £39,673.36 which equates to £2.21per pupil. The remaining balance of funds of £4,926.64 for 2018/19 has been offset against the 2019/20 facilities period only.
13. The number of pupils in schools maintained by Central Bedfordshire Council has been based on the October 2018 census.
14. 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 2018/19figures provided by the Trade Unions based on membership as at 31 July 2018.
15. The NUT and ATL Trades Unions have amalgamated to form the National Education Union (NEU). From the 2019/20 claim period the NEU will be recognised as one Union and membership figures and facilities time calculated accordingly. This has resulted in a saving of 1.17 days per month of facilities time as the NEU will provide only one representative at formal consultation and collective bargaining meetings with the Council.
- The total membership allocation for the NEU has been amalgamated therefore future reports will not refer to the NUT or ATL as separate bodies but as the NEU.
16. Appendix A provides a frequently asked questions document for all schools regarding the statutory responsibilities that 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).

Trade Union Facilities Agreement – Schools

17. 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. Seven Trade Unions and Professional Associations are formally recognised as part of this agreement. This has reduced and an appropriate amendment made to the Facilities Agreement following the amalgamation of the NUT and ATL to form the NEU.
18. 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 2019/20 as recommended in this report.

Council Priorities

19. The de-delegation of facilities time will support the improvement of education and skills by ensuring that the Trade Unions that represent staff employed in Maintained Schools and Nurseries are available to be consulted in a timely way on policies and key education matters by the Council collectively for the benefit of all Maintained schools in CBC.
20. In addition, the time allocation for attending consultation meetings and employment relations meetings in schools will ensure that staffing matters can be dealt with in a timely way and in accordance with employment legislation. Without the de-delegation of funding schools would lose the efficiencies created through local representatives attending across schools and instead each school would need to provide a trade union representative and allow reasonable time off in accordance with Trade Union legislation. Therefore, the de-delegation will result in a more efficient and responsive Council.

Corporate Implications

21. The agreement to de-delegate will enable the HR Schools Statutory Service to engage with CBC's TU Branch Secretary's and Local Representative for the formation and amendment of HR Policies for Schools on a collective basis.

Legal Implications

22. The legal implications of not agreeing to delegating fund for TU Facilities Time are outlined in Appendix A.

Financial and Risk Implications

23. The financial risk is that CBC does not have sufficient funds to fulfill its statutory function to consult with the Trade Unions CBC recognised through its Facilities Time Agreement.
24. The de-delegation of funding across all schools ensures the funding for TU's is fair and mitigates the risk of individual schools having a statutory obligation to release representatives at school level for each of the unions recognised by CBC.

Equalities Implications

25. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
26. The engagement and consultation with the recognised trade unions significantly reduces the risk of equality related issues being raised by employees or trade unions. There is a statutory obligation to consult with staff representatives and for employees to be accompanied at formal meetings by a Trade Union representative which if not complied with increases the risk of litigation against schools.
27. The collective consultation of CBC HR Policies for Schools ensures that policies are applied consistently across CBC Maintained Schools and comply with the Equalities Act and good practice.

Conclusion and next Steps

28. De-delegation of facilities funding has been agreed in previous years and has enabled the continuation of good employment relations between the Council and its recognised trade unions. If the de-delegated funding is continued to be approved the Council can continue to collectively consult with Trade Unions on their behalf to enable them to focus on the service delivery.
29. If the recommendations are approved the TU's will be notified of their allocation of time for 2019/20 and the HR Statutory Schools Service will continue to administer the facilities time arrangements.

Appendices

Appendix A: Retained Facilities Funding Frequently Asked Questions Document

The following Appendix is attached/ provided through an electronic link:

Background Papers

None

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