

TU FACILITY OVERVIEW

Prepared by Julie Davies
HR Services Manager
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BACKGROUND

Trade Union facilities have recently been reviewed in Herefordshire and representatives of Herefordshire Council considered:

- a) The de-delegation of funding for trade union facility time in locally maintained and voluntary controlled Herefordshire schools
- b) The option to continue to allow academy and special schools to pay into the de-delegated fund.
- c) To review current mechanisms of payment covering supply costs for trade union representatives.

The employer is legally responsible for negotiating and consulting with union representatives. As the Local Authority is the legal employer for 46 community and voluntary controlled schools, if Schools Forum decides not to de-delegate, the Local Authority would be responsible for the cost (finance and resource) to carry out its legal responsibilities. This also applies to Governing Bodies and Academy Trusts who are the legal employers for the remaining 54 schools in Herefordshire.

The review also took into account the DfE's non-statutory advice relating to trade union facility time (published January 2014).

The Department for Education has stressed the importance of ensuring spending on facility time is as efficient as possible. Currently there is significant variation in spending between local authorities, from £1.00 per pupil to £5.70 per pupil per annum.

The DfE's guidance recommended that trade union representatives should be accountable for the duties and activities carried out during facility time. Good practice would suggest a simple termly report for Schools Forum which includes details of trade union duties and activities undertaken and an evaluation of the service.

WHAT THE FUNDING IS USED FOR

Facilities time is an entitlement under legislation (ie the Trade Union and Labour Relations (Consolidation) Act 1992, the Health and Safety at Work etc Act 1974 and the Safety Representatives and Safety Committees Regulations 1997). Trade union duties that might be undertaken on behalf of members include:

- Disciplinary/grievance hearings
- Formal capability meetings
- Sickness absence meetings
- Terms and conditions of employment
- Investigations
- Termination of employment
- Suspension of employment
- Consultation relating to TUPE

- Section 188 redundancy notices
- Investigating members' complaints regarding health, safety or welfare at work
- Making representations to the employer on the above
- Representing members in workplace consultations on Health & Safety
- Attending safety committee meetings
- Facilitating settlement agreements

OUTCOME OF REVIEW

The outcome of the review was that:

- a) Facility time payment to be standardised to £170 per day effective 1st September 2017 for all teaching trade union representatives with a framework in place to account for activity; and
- b) To cease the Council's contract of employment for teaching trade union representatives employed by the Local Authority with effect from 31st August 2017 and to support alternative employment options which has been determined as self-employed; and
- c) For a detailed activity report to be provided by union representatives on a quarterly basis to ensure transparency and proper use of trade union facility funding

TU FACILITIES BUDGET ALLOCATION

	2015-16	2016-17	2017-18
De-delegation funding – primary schools	32,960	33,404	33,218.50
SLA funding – LA secondary schools/specials	9,603	10,307	10,009.50
Academy funding (teaching unions)	22,592	18,088	10,019
TOTAL	65,155	61,779	53,247
Total claimed	51,038	47,885	-
UNDERSPEND	14,117	13,894	-

DETAILED ACTIVITY REPORT – JANUARY TO APRIL 2017

The table below details the summary record for NUT, NASUWT and ATL. No information has been provided as yet by ASCL, NAHT or VOICE. However, as there are no Country Secretaries for NAHT or VOICE, TU duties are currently undertaken by regional officials as appropriate.

ISSUE	Other	Maintained High	Maintained Primary	Academy High	Academy Primary	Totals
Absence/Leave of absence			2			2
Proposed academy conversions			26			26
Capability/performance/appraisal		2		3		5
Contract of employment	2		6	4		12
DBS/Criminal						0
Disciplinary				1		1
Educational trips and visits						0
Examinations and testing						0
Flexible working		2	2		2	6
Grievance						0
Health and Safety	4					4
Sickness/OH		8	1	6		15
Industrial action						0
Maternity/paternity/adoption			2			2
NQT induction/student						0
Pay/progression						0
Pupil behaviour						0
Redundancy	3	6	34	27		70
Resignation/notice			2			2
Restructuring		4	4	5		13
Retirement/pension	6	2		2	1	11
Safeguarding		2	2			4
Teacher relations						0
Supply teacher/Hoople						0
Whistleblowing						0
Workload/working time		4	1	2		7
Not covered above/training	9					9
Miscellaneous	5	3	2	4		14
TOTALS	29	33	84	54	3	203

There have been a range of issues raised by members of teaching trade unions during the Spring term but the highest areas of concern have been redundancy, proposed academy conversion and sickness issues.

COMPARISON OF TU SPEND ACROSS LOCAL AUTHORITIES

As previously mentioned, there is significant variation in the level of TU spend across local authorities. The table below illustrates the differences of staff costs from statistical neighbours to supply cover for facility time. Worcestershire and Warwickshire have also been included although are not statistical neighbours. It should be noted that costs have been rounded by the DfE so no actual figures are available.

16-17 Budget LA Table (Net) £ per capita

	Staff costs to provide supply cover (per pupil)
England – average (mean)	2.00
England – average (median)	2.00
England - maximum	13.00
England - minimum	0.00
Average (median)	2.00
Maximum	3.00
Minimum	2.00
Herefordshire	3.00 (actual figure is £3.50)
Shropshire	2.00
Somerset	3.00
Devon	2.00
Cornwall	2.00
Dorset	0.00
Suffolk	1.00
Wiltshire	1.00
Norfolk	0.00
Gloucestershire	3.00
East Sussex	0.00
Worcestershire	2.00
Warwickshire	2.00

It can be seen that Herefordshire's costs per pupil are above the England average (mean and median) and also higher than many of its statistical neighbours.

TRADE UNION (FACILITY TIME PUBLICATION REQUIREMENTS) REGULATIONS 2017

These Regulations make provision for public authorities to publish information in relation to facility time taken by trade union officials. Public sector employers with 50 or more employees must publish the total cost of paid facility time taken by employees who are union officials. Affected

organisations must report specified figures and percentages for each 12 month period (1 April to 31 March). Calculating this information will require tracking facility time taken; differentiating between statutory facility time and paid time for trade union activities*, and calculating the hourly cost of each employee who has taken facility time; and the gross figures for total wages bills and facility time.

*whilst an official is entitled to reasonable time off to carry out trade union activities (ie attendance at annual conferences), there is no obligation on employers to pay the official for the time spent on

PROPOSAL

We will look to consult Schools in the autumn term with proposals of a cost reduction per pupil for trade union facilities from 1st April 2018.