

Teacher's Union Facility Time Costs

Purpose of report from Schools HR

1. The purpose of this report is to provide details of the current Trade Union facilities time agreement utilised for Wiltshire Council's Locally Maintained Schools and to initiate a proposal to include academies in a new agreement for the **Financial Year 2012-13**.

Background

2. The facility time agreement defines the rights to time-off and facilities for the teachers' Trade Unions and Professional Association Officials in the course of their union duties within the Local Authority area of Wiltshire Council. The principles in the agreement are based primarily on the Trade Union and Labour Relations (Consolidation) Act 1992, The Employment Act 2002 and the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.
3. The LA has formal recognition agreements with our recognised teachers' Trade Unions and Professional Associations to provide paid release for accredited representatives to undertake negotiation, consultation or support their members in matters arising from the LA's model HR policies e.g. Redundancy Exercises/Restructures/ Disciplinary, Grievance and Capability Hearings.
4. The recognition agreements set out the arrangements for the continuance of the positive management of relations between the LA and the teachers' Trade Unions and Professional Associations.
5. The agreements clarify trade union recognition and representation for teaching staff within the schools and academies and establish an agreed framework for consultation and collective bargaining.

Facility time during financial years 2009/2011

6. During the three financial years 2009/2012 the following facilities time was paid as supply cover for the teachers trade union representatives (County Secretaries) as agreed under the 2003 facility time agreement:

Financial Year	Total Spend	Budget	Outturn
2009-10	35,299.70	71,796.00	-36,496.30
2010-11	57,581.48	73,303.00	-15,721.52
2011-12 Projected)	41,965.10	73,303.00	-31,337.90

Facility time budget for financial year 2012-13

7. In the current year 2011-12 we have a budget of £73k however, in the next financial year this will reduce to £48k because of the impact of schools who have converted to academies. The facility time budget is one of the budgets within scope for the Local Authority Central Spend Equivalent Grant (LACSEG) recoupment and therefore the academies have the funding for union costs in their own directly allocated budgets. For that reason we do need to change the funding of the arrangement that is currently in place if it is to remain a viable arrangement and appropriately funded. If we intend to continue to have a whole county agreement and a relationship with the teachers unions facilitated through the Schools HR Advisory service then there is the clear need to start to invoice academies for a contribution to fund the availability of union representatives.

Requirement for Facility Time

8. The trade union facility time agreement in conjunction with the recognition agreement and Schools Joint Consultative Committee (JCC) Constitution enables Head teachers, Governors and their specialist support services to progress all matters that require consultation or negotiation efficiently and effectively. This is particularly relevant to following redundancy procedures and TUPE transfer process. The latter is of course the same mechanism by which academy conversions are consulted with the unions on.
9. Presently, the following activities crucially require trade union representatives to be available for meetings and consultation at short notice. The paid release of trade union representatives enables schools and academies to deliver these significant projects within their timescales and budgets:
- TUPE transfer process for schools converting to academy status
 - Organisational restructures and reductions in staffing numbers
 - Changes to staff terms & conditions
 - Development and changes to employment policies & procedures

- Collective negotiation on behalf of Wiltshire LM Schools on all employment matters
- Individual employee performance management and complaint resolution eg. dealing with grievance, capability, disciplinary or absence management matters.

Current procedure for agreeing employment policy and procedures

10. The current mechanism for agreeing Schools HR Policies and Procedures requires Schools HR Advisory to consult and discuss proposed new model policies and procedures with the County Secretaries (ATL, NUT, NASUWT, ASCL and NAHT). Once agreement is achieved the proposed models go to the Schools JCC and once endorsed are released for adoption. For academies there is no current mechanism for consultation and adoption of model policies and procedures. This means it will either default to individual academies to negotiate their own model policies and procedures locally or that they contribute to supporting the facility time agreement for the unions and maintain the recognition agreement. This will allow Schools HR Advisory to continue to undertake all such negotiations on their behalf (as employers buying HR Advisory) through the current mechanism.

Conclusion

11. The LA and trade unions recognise their common interest and joint purpose in furthering the aims and objectives of the LA and the other employers in Wiltshire Schools and Academies, and in achieving reasonable solutions to all matters which jointly concern them. Both parties are committed to maintaining good employee relations and the collective recognition and facilities time agreements are key in delivering this. It is therefore important that academies are asked to contribute to the facility time costs but especially where they also buy Schools HR Advisory Services from the LA. Schools Forum is asked to consider the most appropriate funding arrangement for facility time costs.

Recommendation

12. With the understanding that the LA and the other associated employers in Wiltshire schools and academies agree to continue to support the concept of county-wide representation by the teachers unions and professional association (*this would need to be the subject of further consultation with WASSH and PHF*) we ask that Schools Forum agree in principle:
 - a) to ensure the appropriate level of funding of a central Facility time budget to meet legal obligations under Trade Union and Labour Relations (Consolidation) Act 1992, The Employment Act 2002 and the ACAS Code of Practice on Time Off for Trade Union Duties and Activities;
 - b) that if a county wide agreement is in place, that the most appropriate funding arrangement would be that the LA submit a request to the DfE

to allow Wiltshire to retain that aspect of LACSEG in the central budget for facility time held for that purpose;

- c) that if all academies do not consent to b) and c) above to allow the LA to retain that aspect of LACSEG in the central budget, then those that do support this position consent to subscribe towards funding a Facility time held by the LA for that purpose for which a more detailed tariff arrangement will be developed by HR, with the recognised teachers unions and associations, based on staff numbers in each academy;
- d) that Schools HR Advisory continue to discuss and develop a new county-wide Facility Time agreement on behalf of the schools, academies and the LA with the teachers unions and associations and to bring that to Schools Forum at a later date.

Report Author

Lorraine Nowlan

HR Operations Manager – Schools

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