

School & SEN Funding Working Groups

5th October 2017

Funding Factors – Trade Union Facilities Time

Purpose of Report

1. To provide details of the current Trade Union Facilities Time Agreement for Wiltshire Schools and set out a proposal for the funding of time for the professional associations in representing their members.

Background

2. The facility time agreement defines the rights to time-off and facilities for the Trade Unions and Professional Association Officials in the course of their union duties within the Local Authority area of Wiltshire Council to school and academy based staff. 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 and support staff unions to enable schools and academies to claim backfill costs where accredited representatives undertake facilities duties, e.g. negotiation, consultation and support for their members such as Redundancy /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 recognised 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. The table below sets out the current Trade Union official bodies;

Body
- NEU (former NUT)
- NASUWT
- ASCL
- NEU (former ATL)
- NAHT

Requirement for Facility Time

The Trade Union Facility time agreement in conjunction with the recognition agreement and Schools and Council 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.

6. The following activities crucially require trade union representatives to be available for meetings and consultation at short notice. The ability for schools or academies to claim backfill costs to enable the release of trade union representatives enables schools and academies to deliver these significant projects within their timescales and budget;
- 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 schools on all employment matters
 - Individual employee performance management and complaint resolution e.g. dealing with grievance, capability, disciplinary or absence management matters
7. 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) and also the Council Staffing policy committee (Unison, GMB, Unite). Once agreement is achieved the proposed models go to the Schools and Council JCCs and once endorsed are released for adoption.

Facility time during financial year 2016-17 and 2017-18

8. For a number of years, the total budget for the claim of backfill for the release of Trade Union officials has been £50,000, to cover both maintained schools and academies. The contribution from maintained schools has been taken through the de-delegation process whereas for academies, the contribution has been recovered through annual invoicing.
9. During the 2016-17 financial year, the budget was overspent by £4,789, which has to be recovered from within the DSG. If the current Trade Union arrangement that is currently in place is to remain viable, it needs to be appropriately funded.
10. Based upon projections for the current 2017-18 financial year, the current £50,000 budget is will be overspent by £6,930.

Proposal

11. 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 teacher and support staff unions and professional association, 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.

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