

<b>Schools Forum</b>			
<b>REPORT TITLE</b>	<b>Trade Union Facilities Time</b>		
<b>KEY DECISION</b>	<b>Yes</b>	<b>Item No.</b>	<b>10</b>
<b>CLASS</b>		<b>Date</b>	<b>6 October 2016</b>

## **1. Purpose of the Report**

To consider the current arrangements for facilities time for trade union representatives. To further consider the impact that future changes in government funding requirements may have on facilities time arrangements and how the Forum, may wish to manage this impact.

## **2. Background**

- 2.1 Lewisham Council strongly supports the principle of collective bargaining and recognises the role that local trade unions can play in maintaining good employee relations, assisting communication between the authority and its workforce, as well as representing individual employees.
- 2.2 The Forum has supported the process of 'de-delegation' for a number of years now in relation to Lewisham maintained Primary and Secondary schools. The Forum has recognised the value of having a consistent group of experienced trade union representatives to work with on a borough wide basis. The budget in question relates to the teacher trade unions only.

## **3. Recommendation**

- To continue 'de-delegation' for the 2017/18 financial year subject to the outcome of the consultation.
- To consider the options post the possible end of 'de-delegation.
- To consider adjustments to the current scheme in relation to paid time off for members to sit on their union National Executive Committee and in relation to paid time off to undertake the role of Union Side Secretary for the teacher unions.
- To consider the request from the Council's Head of HR to make a financial contribution to the corporate centre on behalf of schools for support staff union facilities time in schools.

## 4. De-delegation

- 4.1 Lewisham Council recognises the role that the local trade unions can play in maintaining good employee relations. There are distinct advantages for both authority officers and Headteachers/Governors in developing good working relationships with a core group of representatives. These representatives are familiar with local employment policies and employment law. Maintaining good working relationships with a core group assists good communication and often prevents unnecessary conflict and the escalation of disputes. The current arrangements work well on the whole.
- 4.2 The government is proposing to introduce a new national funding formula for schools in April 2018. With the current details available through the release of the first stage consultation earlier in the spring, it is not possible to see the exact impact on Lewisham. The most likely scenario is that schools in Lewisham will see a circa 10%, or £17m reduction in funding over the next three years. This is likely to impact on the level of traded services schools buy from the council. Likewise there is a review of the high needs block funding and it is expected the funding in the high needs block could also be reduced by some 10%, or £4.5m.
- 4.3 The DfE are proposing to withdraw current arrangements for de-delegation with the introduction of the hard national funding formula in 2019-20 to give schools greater responsibility for their budgets. Responsibility for services that can currently be de-delegated will rest with individual maintained schools, who will have a choice about whether to buy the service from the local authority or an alternative provider.
- 4.4 If de-delegation is no longer an option in the future, the Forum could consider offering a 'buy back' Service Level Agreement to schools to provide TOFTUA. The issue here is that many schools, those with stable budgets and staffing arrangements for example, may not accept that there is a value in facilities time and may not want to buy into this offer.
- 4.5 If only a small proportion of schools wanted to buy back it would not be viable both operationally and logistically. It would be nigh on impossible to keep control of where the unions spend their time and the small income is unlikely to cover release time in the way it does now. In reality, the union representatives would be expected to cover all schools. If the Forum are keen for a 'buy back' service to work and are concerned about the possible level of engagement from schools, they could consider merging TOFTUA with the supply (non-sickness) budget. This is likely to be more popular with schools as it covers maternity, paternity, jury service and suspension absence.

- 4.6 If the Forum decides that schools should manage facilities time locally within the school on an ad hoc basis, there are a number of potential problems to consider. Agreeing time off on an ad hoc basis could be disruptive to the school day. The current arrangement allows for staff not to be timetabled into the day, however, ad hoc release time would need to be covered as and when the request came in. The regional unions are likely to ask for local representatives to undergo formal training which can mean an average of 2 weeks away from school for each individual. It is also likely that the use of regional officer time would be required more frequently and this would slow down the ability to deal with case work quickly.
- 4.5 In Lewisham, two of the teacher union branch secretaries sit on their National Executive Committees and receive one day per week paid time off in term time. This is a heavy burden on Lewisham's resources. While time off should be granted for this purpose, it can be unpaid as it is considered a 'trade union activity' rather than a 'trade union duty' which does attract paid time off. The Forum are asked to consider if this is something they wish to change or make a charge for in the future going forward. Officers may then begin consultation with the affected representatives.
- 4.6 In the last year the role of union side secretary for the teaching unions has not been effective and has failed to add value to employee relations. This is evident amongst the unions themselves and the working arrangements between Schools' HR and the secretary. This role undertaken by the NUT as the largest union attracts a day per week of facilities time. It should also be noted that the Council's corporate HR function has deleted this role for the support staff unions. The Forum is asked to consider if facilities time should be continued for this purpose.
- 4.7 In the last financial year, the General Fund contributed 40K to the corporate TOFTUA budget to cover schools' usage of support union time. (This was in addition to the budget spent on teacher time). The amount was considered to be reasonable. It covered one full time equivalent representative. Bearing in mind that school staff make up over 50% of the Council as a whole and in particular membership of the GMB is almost entirely concentrated in schools. The Schools Forum are asked to consider if this arrangement should continue and where this contribution should come from if they agree to continue.

## **5. Budget 16/17**

- 5.1 The current budget is £123,700
- 5.2 Spend on National Executive days for 2 representatives = £19,928
- 5.3 Spend on time allocated for union side secretary duties = £9,964

- 5.4 Spend on attendance at CYP Health and Safety Committee meetings = £1,532
- 5.5 Spend on attendance at CYP Joint Consultative Committee meetings = £1,532
- 5.6 Balance of budget left for employee case work allocation = £90,744

## **6. Conclusion**

This is an opportunity for the Forum to consider now, how they want to deal with potential future changes to financial arrangements regarding TOFTUA and to also take the opportunity to review some of the current arrangements.

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