



Schools Forum

Report title: Review method for funding Time off for trade union activities and duties (TOFTUA)

Date: 20th October 2022

Key decision: Yes

Item number: 6

Outline and recommendations

This report gives information for schools forum to consider the current arrangements for facilities for time off for local trade union representatives and to consider new proposals.

It recommends that:

- a. Allocation of TOFTUA is paid to Schools on the basis of true cost.
- b. The total costs to be divided by the total pupil population across all schools including Academies (5 to 16) and continues to form the de-delegation element of the schools funding formula.

1. Purpose of the Report

- 1.1. For Forum to consider the current arrangements for facilities time for trade union representatives (known as Time off for trade union activities and duties or TOFTUA) and to consider new proposals.

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 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 mainly to the teacher trade unions. However, the inception of the National Education Union (NEU) means that this large union welcomes members from all school based staff. Facilities time for the main recognised support staff unions (UNISON, GMB, UNITE) is funded by the corporate Council.

- 2.3. Forum should note that TOFTUA support is allocated on the basis of an historic formula. The total days of union support to be covered from the budget is 533 days. The evidence to support how this number was arrived at cannot be traced. However, what is clear is that the use of the 533 days is allocated to the specific unions based on membership numbers. The NEU, therefore receives the largest proportion of time. Funding to support TOFTUA is met from within the delegated element referencing to supply cover.
- 2.4. Funding for TOFTUA is currently part of the de-delegated budget which covers non sickness absence. For 2022/23, the total de-delegation amount is £1.12M. In accordance with method agreed historically with schools forum, this sum is split 90% for supporting non sickness cover and 10% to support TOFTUA. There is a further sub agreement within this, which means each TOFTUA is allocated a flat rate of £180 per day for a set number of days.
- 2.5. The unions elect their representatives democratically. This can present a challenge for schools when they find a member of their staff has been elected and may be required to have time off for a regular day/days per week. In addition the current reimbursement arrangements within the policy do not cover the full cost of absent members of staff.
- 2.6. The consequences, although unintended are that specific schools and the Local Authority are subsidising TOFTUA arrangements. Furthermore, there is no clear structure to cover the costs for providing union support to Academy staff although we know support takes place. Whilst we cannot have an impact on the union's election processes we can review the current budgetary and re-imburement processes.

3. Recommendations/Proposal

- 3.1. Allocation of TOFTUA is paid to Schools on the "basis of true cost" based on the aligned October census date i.e. 2022 for 2023/24 funding. Redirection of funds is permitted only in the event that there is a change in representative.
- 3.2. The total costs to be divided by the total pupil population across all schools including Academies (5 to 16) and continues to form the de-delegation element of the schools funding formula. The same principle to be applied to special schools who are not part of the main de-delegation process. the recoupment method for both academies and special schools to be aligned to the position outlined in 3.1
- 3.3. This will establish the correct sum that needs to be ring-fenced to cover TOFTUA. It will also establish the amounts that need to be invoiced to Academies.

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4. Financial Implications

- 4.1. This report aims to find a solution to support both schools and LA where staff are supporting the role of trade union democracy. At this stage the intention is that de-delegation remains at the current rate, with an annual review that will enable a cost per pupil to be determined and therefore applied to academies in a clear and transparent manner.
- 4.2. The proposal is subject to changes as part of the wider NFF changes (none are expected).
- 4.3. A post implementation review will need to be taken to ensure that the balance supporting non-sickness is not compromised.

5. Legal Implications

- 5.1. The proposals made in this report are not detrimental to trade union representatives or schools ability to comply with their duties in relation to trade union activities and representation. As such no legal implications arise from this report.

6. Equalities Implications

- 6.1. The proposal outlined in this report supports equalities, where any school /LA are reimbursed appropriately for their participation of Trade Union activity. All beneficiaries of the support contribute on clearly defined criteria.

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