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| BRIEFING | TO: | Schools Forum |
| | DATE: | 17 September 2021 |
| | LEAD OFFICER: | Ian Henderson HR Manager Assistant Chief Executive's 01709 822467 |
| | TITLE: | Education Unions Facility Time |

1. Background

- 1.1** There are several pieces of legislation which provide a legal obligation on employers to provide paid time off to elected trade union representatives from their employment to enable them to carry out trade union duties. These include 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.
- 1.2** The amount of secondment time granted to each education union in Rotherham is dependent upon the funds available from contributing Schools/Academies to the Facility Time Buyback Scheme. The funding received pays for the release of the union officials from their employing school. The amount of facility time available is reviewed and agreed each year and should the funding be reduced or increased, for example through variations in the number of schools contributing, the amount of seconded time off is reduced or increased accordingly.
- 1.3** Schools who decide not to “opt in” to the buyback scheme have a legal responsibility to fully train and accredit trade union representatives who would then be entitled to reasonable time off with pay to carry out trade union duties.
- 1.4** Over the past twelve months local trade union representatives have continued to provide advice to, support, and represent members in many maintained schools and academies across the borough. Union advice given in such a way, helps to clarify a member’s rights, entitlements, and can resolve a potential dispute without recourse to any school procedure and can prevent any unnecessary conflict/dispute in school. This type of work frequently prevents the escalation of a situation in a school and avoids possible disruption/additional cost to the school. ACAS estimate the annual cost (including management and resolution) for each individual involved in conflict at just under £3,000 (£2,939).
- 1.5** During the pandemic, trade unions, through engagement with the Local authority, have also enabled coherent and consistent messages to be communicated to colleagues in schools.
- 1.6** Following consultation with Schools Forum in October 2020, it was agreed that from April 2021 all Council maintained schools’ budget would be de-delegated to support the provision of trade union representatives in schools.

2. Key Issues

- 2.1** The teaching profession continues to be one of the most unionised professions in the country and consequently the recognised education unions in Rotherham represent over 99% of teachers in the borough.
- 2.2** The total facility time able to be funded from the buyback budget and afforded to the education unions currently equates to 1.2 FTE (6.25 days). This amount of facility time falls short of the normal industry practice of granting 1 day facility time per 1,000 members.
- 2.3** The NEU has 1348 members which would equate to 6.75 days facility time for that union if the above ratio was applied, half a day more than the total amount of time currently provided to the NEU, NASUWT, NAHT and ASCL combined. A total of 13 days facility time would be required to align to current union membership figures and a ratio of 1 day per 1,000 members.
- 2.4** Benchmarking has identified that Rotherham's per pupil charge is the lowest in the region, being less than half that of our nearest statistical comparator, Barnsley Council (table 1).

Table 1

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| Barnsley | £4.75 per pupil |
| Bradford | £5.26 per pupil |
| Doncaster | £10.14 per pupil |
| Kirklees | £5.72 per pupil |
| Leeds | £5.50 per pupil |
| Rotherham | £2.00 per pupil |
| Sheffield | £3.25 per pupil |
| Wakefield | £5.70 per pupil |

- 2.5** To provide a more representative facility time to the education unions, to enable them to represent their members effectively, the per pupil rate could be increased in line with our statistical neighbours to provide a higher budget for the allocation.
- Option 1**
- 2.6** Maintain policy of increasing the per pupil charge by the rate of inflation. It is not recommended that this approach is taken as it fails to address the insufficient facility time required for schools to be adequately supported in employee relation issues in a timely manner by the unions.
- Option 2**
- 2.7** Increase the per pupil charge to £4.75 from 1 April 2022. This option would provide the budget required to increase the facility time allocation to representative levels, however schools will not have budgeted for such an increase and the pressure from the current pandemic has already put on school budgets it is not recommended that this approach is taken.
- Option 3**
- 2.8** The per pupil charge could be increased incrementally over the next 5 years by 55p over the normal inflationary price increase from 1 April 2022. This phased approach would allow schools to accommodate the increase into their medium to long term budget planning.

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| 3. Key Actions and Timelines | |
| 3.1 | Prices for the April 2022 buyback are required to be set by the end of December 2021. |
| 4. Recommendations | |
| 4.1 | Forum is asked to agree to consult schools on the 3 options contained within this report with the recommendation that the per pupil charge for the facility time buyback is increased in line with our statistical neighbours and this is achieved by the implementation of option 2 from 1 April 2022. |