

Unions Facilities Time

To: Schools Forum

Meeting Date: 12 January 2024

From: Jonathan Lewis, Service Director, Education

Recommendations: Schools Forum is asked to discuss the Cambridgeshire Trade Union Facilities agreement and agree that a review is undertaken and brought to Schools Forum in the Autumn 2024 to consider the operation of the agreement.

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1. Creating a greener, fairer and more caring Cambridgeshire

1.1 This report relates to the following Council ambitions:

- Ambition 6: Places and communities prosper because they have a resilient and inclusive economy, access to good quality public services and social justice is prioritised.
- Ambition 7: Children and young people have opportunities to thrive

2. Background

2.1 At the previous Schools Forum meeting, the issue around de-delegation and support to Trade Unions was discussed. For many years, Cambridgeshire has operated a facilities agreement on behalf of all schools to ensure there is sufficient union capacity at a local level to ensure local issues are resolved as quickly as possible and we are not reliant upon the availability of regional or national members. This resolution work saves huge costs in both time and money if issues that cannot be resolved at this low level with union support are allowed to escalate.

2.2 Attached in appendix 1 is the facilities agreement for 2023-24 and it includes the allocation of Union facilities time. We are awaiting a number of nominations for unions where previous members have retired / left their roles. This agreement is reviewed annually and we are currently working with the Trade Unions via the Joint Schools Consultative and Negotiation Group (JSCNG) to consider union membership and potential changes to the scheme we operate.

2.3 As Forum will be aware, we operate a buy back scheme for union facilities time. Maintained schools are topsliced via the de-delegation mechanism and academies are billed direct based upon a standard charge, currently £1.20 per pupil. Only 10 of the 268 schools in Cambridgeshire did not contribute to the 2022-23 scheme.

3. Main Issues

3.1 Whilst the facilities agreement is updated annually, the underlying principles have not been changed in many years. There has been some updating of rates including increasing the daily rate agreed in the arrangement from £205 to £215.50 but this needs formal review in light of the cost of supply and other costs for the host school.

3.2 Unions have requested in December 2023 there is consideration of the following areas –

- Review of the minimum level of time for smaller unions e.g. ASCL, NAHT where membership numbers are lowing but often cases can be more complex.
- A new mechanism for addressing those schools who do not buy into the scheme in terms of following up.
- A small contingency is held for complex cases where further union time is needed from the local rep which demonstrates overall savings compared to other processes e.g. employment tribunals.
- Recognition of time spent representing the unions groups at other meeting e.g. SACRE, Schools Forum
- Review of time allocated to unions with reference to membership, caseload capacity

and comparison to other authorities (current allocation of time is shown in appendix 1). The complexity and volume of casework has increased significantly in recent years.

- Increase in funding rate from £1.20 per pupil. Union colleges reported that rates up to £3 are funded in other LA areas.
- Consideration of how support unions are represented and whether more capacity is needed for local reps to support employment issues.

- 3.3 It is therefore proposed that a more thorough review is undertaken of the facilities agreement including consultation with schools. An early review of regional HR colleagues has returned the following information from a small number of authorities. Critically we don't have any data on numbers of schools that contribute to the scheme so further work is needed on this information.

Respondent	Pupil Rate	Reimbursement Rate to Schools / Reps
Cambridgeshire County Council	£1.20	Day rate plus on costs
Norfolk County Council	£2.49	
Hertfordshire	£1.20	UPS1 plus oncosts
Nottinghamshire County Council	£1.54 primary £1.64 secondary to increase to £2 from 1/4/24	Salary costs only
Essex	£1	

- 3.4 Union colleagues have also helpfully started to gather information on other Local Authorities facilities agreement. From their review across 11 of our neighbours, it suggests an average rate of charging of £1.76 per pupil but within a range from £0.50 to £3.40 per pupil.

4. Alternative Options Considered

- 4.1 None

5. Conclusion and reasons for recommendations

- 5.1 It is suggested that this review returns to Schools Forum in the Autumn to allow any changes to be considered as part of the 2025/26 budget round. Forum is asked to comment upon any area for focus / approach to reviewing and updating the facilities agreement.

6. Significant Implications

None.

7. Source Documents

7.1 Facilities agreement – Appendix 1

**Teaching Trade Unions Facilities Agreement
April 2023 – March 2024**



Background to the Agreement

The Service Director for Education recognises the valuable contribution made in a variety of environments by members of the recognised teaching unions and its representatives. The Council is committed to supporting elected representatives to fulfil their role appropriately. The following document sets out the support available to representatives.

This agreement covers attendance at the Joint Schools Consultation and Negotiation Group (JSCNG) and the roles required under the terms of reference for this group.

All individual schools, including academies, need to make arrangements to meet the statutory obligations to provide release for representatives to undertake their trade union responsibilities.

Cambridgeshire chooses to operate a buy-back arrangement in respect of trade union facility time, in which schools within its boundaries (including academies), can participate so that individual schools are not required to fund facilities time at school level.

Schools Forum is asked each year to agree:

Maintained primary schools have a compulsory de-delegation applied to their budgets;

- All academies are asked to buy-into the scheme on the same basis as the maintained primary de-delegation.

Both are required to make the funding of the facilities scheme viable.

Elected representatives support their members in a wide range of matters involving issues such as:

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| • Grievances | • Academy consultations / TUPE |
| • Capability | • Investigations |
| • Pay and performance management | • Disciplinary |
| • Redundancies | • Continuous professional development |
| • Health and Safety | • Conditions of service |
| • Benevolence | • Workforce reform |
| • OFSTED | • Collective bargaining |
| • Occupational health / Wellbeing | • Policy Review both at the informal and formal stages |
| • Staffing restructures | |

Elected representatives do a significant amount of work at the informal level in order to resolve issues at the lowest possible level. This resolution work saves huge costs in both time and money if issues that cannot be resolved at this low level with union support are allowed to escalate.

These provisions are contained within the

- Employment Relations Act 1999,
- Trade Union Labour Relations (Consolidation) Act 1992

- Safety Representatives and Safety Committees Regulations 1977

This document outlines the support available to elected representatives (County Secretaries) and should be read in conjunction with the People and Communities Service Trade Union Consultation Framework 2017.

Arrangements and Expectations for Operation of the Facilities Agreement

This Facilities Agreement underpins a partnership approach adopted between CCC and the recognised trade unions. Therefore, there are specific responsibilities on management and the trade unions in this context.

The trade unions will:

- Provide active membership numbers (headcount) to CCC by the 31st December every year to ensure that members are adequately represented;
- Provide CCC with a point of escalation at the regional / national level for any issue which arises with the elected representative;
- Confirm in writing to CCC which union members are elected or resign as officials or representatives at the earliest opportunity. This correspondence will state the position and constituency to which they are appointed as well as the effective date of office;
- Any notice of any change of office must be confirmed in writing by the end of the financial year to enable correct payments for the following year;
- Give reasonable notice of time-off requirements for their host school (if applicable);
- Ensure that all members are DBS checked to an appropriate standard;
- Ensure the elected representative has appropriate authority to undertake key activities on behalf of the unions to an appropriate level (dictated by the situation, training and experience) to avoid unnecessary delay;
- Elected representatives will not provide support to schools which have not bought into the facilities agreement. Any funding will be withdrawn from elected representatives who support schools which are not part of the agreement unless permission is granted by CCC prior to the visit;
- Where an elected representative is off sick or unavailable for work, this is reported to CCC promptly, and the union provide a regional / national officer / suitable substitution representative at JSCNG meeting and meetings with schools where possible so schools have ongoing support.

The local authority will –

- Confirm the allocation of time (once consultation has taken place with academies) and the list of schools that are buying into the facilities agreement;
- Give sufficient notice over reduction in facilities time.

The host school (where applicable) for the elected representative will –

- Agree with the member of the staff in the summer term their routine release time and commit to this for an academic year.
- Allow reasonable time off for union training where it is agreed in a timely way and with reference with competing priorities within the school.

Conduct of Trade Union Representative

It is the responsibility of the respective trade unions to ensure that their representatives fully understand the extent of their authority and responsibility in their role and act within the spirit of the agreement. Any necessary training required will be provided and/or organised by the trade unions.

In the event that CCC (or the subscribing schools) has any concerns regarding the conduct of a union representative, there will be the right to raise this in writing and/or verbally with the relevant regional / national union rep.

Funding available

The funding available for supporting the Facilities Agreement is from the Dedicated Schools Grant through money delegated to schools in the Cambridgeshire Local Authority area. The funding of facilities time allow for the reimbursement of staffing costs for supply cover arrangements where the employees full costs are met from the Dedicated Schools Grant.

The regulations state that funding can be allocated for persons -

- carrying out trade union duties or undergoing training under [section 168 of the Trade Union and Labour Relations \(Consolidation\) Act 1992](#);
- taking part in trade union activities under [section 170 of the Trade Union and Labour Relations \(Consolidation\) Act 1992](#);
- who are employee representatives for the purposes of Chapter II of Part IV of the [Trade Union and Labour Relations \(Consolidation\) Act 1992](#) as defined in section 196 of that Act or regulations 10 and 11 of the [Transfer of Undertakings \(Protection of Employment\) Regulations 1987](#) as defined in regulation 11A of those Regulations;

Facility Time

This agreement complies with the recommendations of the Teacher's Condition of Service Document ('Burgundy Book'), and with the Trade Union and Labour Relations Act, Employment Rights Act and Employment Relations Act.

The allocation of time for the facilities agreement will be reviewed annually in light of members numbers and known issues e.g. school re-organisation, budget reductions, which might require further union time.

To allow release from school to attend meetings, funding is set aside annually to meet the reasonable cost of supply cover in schools. This rate will be set with reference to average teacher costs at £215.25 per day.

The facilities agreement works in line with the financial year.

Union	Representative	Days per week	Days Annually (38 wks/yr)	Daily Rate £	Allocated funding £
NEU	Helen Brook	3.7	140.6	215.25	30,264
NASUWT	Adrian Miller	2.5	95	215.25	20,449

	Gareth Owen				
ASCL	Vacant	1.2	45.6	215.25	9,815
NAHT	Vacant	1.2	45.6	215.25	9,815
Community Union (Voice)	Tony Reynolds	1.25	47.5	215.25	10,224

If the unions do not take up their allocation, this funding will be returned to the school system (if already collected).

- Where the representative is employed in a Cambridgeshire school the payment is made directly to the school and will include all salary on-costs as part of the regular monthly school funding process
- Where the representative is not employed in a Cambridgeshire school the payment is made directly to the County Secretary via the Council's payroll and the Council will incur all on-costs.
- Funding for the period from April until August will be made to schools in May. The funding for the period from September until March will be made to schools in October.
- Any change in representative during the period of funding will mean that funding will be clawed back from schools where that person no longer requires release time.

The Schools Finance team will be responsible for ensuring payment to the schools.

Review & Agreement

The Facilities Agreement will be subject to an annual review in January each year including particular reference to the number of days available to each union based upon membership.

Any queries regarding interpretation of the Agreement should be raised with the Service Director - Education in the first instance.