

Report to Hartlepool Schools' Forum 21 June 2019
From Rachel Clark, Head of Human Resources

Agenda Item 4 - Trade Union Facility Time

1. Purpose of Report

- 1.1 The purpose of the report is to update Schools' Forum on the current status of the de-delegated fund for trade union facility time and to update on the review of non-teaching trade union facility time, with the request for a decision on use of existing funding.

2. Background

- 2.1 Trade union representatives, and members of an independent trade union which is recognised by the employer, have a statutory right to time off when taking part in trade union activities.
- 2.2 The benefits of de-delegation of trade union facility time and utilising representatives across all schools in Hartlepool has been established and accepted by the Schools' Forum.
- 2.2 The Schools' Forum annually agree if they will de-delegate funding for this budget, or in the case of academies enable them to contribute to this budget . This fund enables schools to recover the cost of supply staff for the release of a trade union representative who undertakes duties on behalf of a recognised trade union across schools and academies in Hartlepool. This is different to local trade union shop stewards / local school representatives who are nominated or elected from their work colleagues in a particular school.
- 2.3 In September 2017, Schools' Forum agreed to pay a daily rate of £200 to reimburse schools who host Trade Union Representatives who provide services across schools and academies in Hartlepool.
- 2.4 The Local Authority HR Services have been asked to provide a quarterly update to Schools' Forum in relation to the de-delegated budget for trade union facility time.

3. LA managed Trade Union Facility Time Costs

- 3.1 The de-delegation for 2019/20 was agreed at Schools' Forum on 12 November 2018. The funding was reduced from £2.45 per pupil to £1.25 per pupil for all primary and secondary schools including academies, bringing it well below the mean average spend per pupil across the North East Local Authorities. In addition all academies bought this service back at the same rate. Total funding of £16,714 has been agreed.
- 3.2 The service underspent by £35,000 in 2018/19 and this was added to the earmarked Trade Union DSG reserve balance, taking the total reserve to £57k as at 31 March 2019. Forum members will recall that a decision was made on 7 May 2019, to utilise

£19k of the Tarde Union DSG reserve to fund the Hartlepool share of the Designated Education Officer post in 2019/20. This leaves a residual reserve balance of £38k.

- 3.3 If the remaining reserve is not spent then the local authority will review whether to confirm a break from any payments on an annual basis.
- 3.3 There is currently no facility time arrangement for teaching trade union representatives representing their members across Hartlepool Schools so there were no claims made on the fund during the 2018/19 financial year and none for the 2019/20 year to date.
- 3.4 Although there are currently no teaching trade union representatives working across Hartlepool Schools, this position could change at any point in time.

4. Non-teaching Trade Union Representation in Schools

- 4.1 In 2018 a report to Schools' Forum identified that the local authority will be reviewing non teaching trade union facility time in schools. This review has been undertaken and the key findings, together with a recommendation for a decision to fund non-teaching trade union facility time, is identified in the paragraphs below.
- 4.2 The de-delegated budget for trade union facility time has previously been administered only for teaching trade union representatives. However this has been a local arrangement and there is no restriction nationally to prevent the fund being used for non-teaching trade unions.
- 4.3 Department for Education guidance for trade union facility time in schools identifies an expectation that trade union representatives are employed in schools. However it also accepts that there are local variations to this.
- 4.4 In Hartlepool there is a large number of non-teaching staff who are members of UNISON or GMB. Historically these staff have been represented by local trade union officials who are employed by the Council rather than the trade union identifying a school employee from these trade unions to support their members across Hartlepool schools, which could be a possibility in the future. .
- 4.5 As there has been no arrangements with schools to contribute to the facility time release for the trade union representatives for UNISON and GMB who actively support members in Hartlepool Schools, then in effect the Council has been funding this for many years.
- 4.6 With the current strain on school budgets there is an increased need for restructuring in schools which is having a direct impact on the time of Council trade union representatives supporting UNISON and GMB members in schools. This is likely to continue into the foreseeable future.
- 4.7 There are currently two Branch Officers employed by the Council who have agreed facility time in GMB and UNISON.

UNISON 37 hours/week

GMB 5 days/month

- 4.8 A review with these unions has identified an estimate of the minimum proportion of time spent in schools at 10% of the agreed facility time above. In effect 90% Council and 10% schools.

UNISON 4 hours/week

GMB 0.5 days/month

A review of the Trade Union Recognition and Facility Time Agreement will result in a time record system being introduced which will provide more accurate data for the future.

- 4.9 The annual cost in relation to this as a calculation from the hourly rate with on-costs (using 1st April 2019 pay rates) is as follows:

UNISON £2,319

GMB £756

Total per annum £3,075

- 4.10 It is proposed that this amount would be utilised from the existing 2019/20 de-delegated fund and will not result in any increase to the current level of contribution from each school.

5. Local Authority Service – Breakdown of Responsibilities

- 5.1 The following responsibilities are included in the local authority service:

- Financial administration of the Fund
- Communication and consultation with Trade Unions in relation to facility time
- Approve with individual Trade Unions reasonable facility time for representatives
- Formal confirmation of arrangements with Trade Unions and Schools, including plans to agree a code of conduct with trade union representatives
- Monitoring and approval arrangements for individual representatives trade union facility time in line with legislation
- Arrangement of payments to schools
- General communications with schools
- Accountability and reporting to Schools' Forum

6. Recommendation

Schools' Forum are asked to:

- (i) Note the contents of the report in relation to Local Authority Trade Union Facility Costs Update at paragraph 3.
- (ii) Make a decision whether to utilise £3,075 for non-teaching trade union facility time from the existing de-delegated budget for 2019/20.