

**OXFORDSHIRE SCHOOLS FORUM
BRIEFING PAPERS 22.6.17**

TRADE UNION FACILITIES ADMINISTRATION

On 22.6.17, the Schools & High Needs Committee discussed the attached Paper.

In respect of charging, it was agreed that

- for nursery aged pupils a full time equivalent would be used (i.e. for pupils attending for 15 hours this would equate to 0.6fte.
- for special schools and Meadowbrook the calculation will be based on agreed planned place numbers

There will be a single count for the calculation of the charge/levy and this will be the October count preceding the financial year.

All previous paper information will be pulled together into a single paper – service level agreement – that paper will detail how the finances for the scheme will be charged and administered and it will be linked to (but not part of) the existing facilities agreement. It will also include clarification as to what is covered by these arrangements and state what is not. A few case study type examples will be included for exemplification. The paper will also clear state the implications to the actual facilities agreement of not buying into it and what the potential costs could be to those schools and academies not buying in.

A timeline was agreed for this paper as follows:

Date	
1 September 2017	Draft document/paper/proposals circulated to all Schools Forum members for comment
15 September	Deadline for comments and suggestions to be received
20 September	Final paper submitted to Forum agenda
3 October	Forum meeting
10 October	Financing scheme circulated to all schools and academies
1 April 2018	New financing scheme begins

Oxfordshire County Council
Schools Forum
Schools and High Needs Subcommittee – 7 June 2017
Trade Union Facilities Administration

Settings	Sector
Academies	Foundation Stage
Maintained Schools	Primary
PVI Nurseries	Secondary
Special Schools	Special
Local Authority	16+
Schools Forum	High Needs

1. Item for Information/Comment

2. Purpose of Report

This report is to provide further information as to costs incurred and work undertaken by union representatives funded against the agreed trade union facilities arrangements.

3. Current Position and Costs

3.1 Trade Union representatives have a statutory right to reasonable paid time off from employment to carry out trade union duties and to undertake trade union training. The facilities agreement provides an effective route for statutory and collective consultation and bargaining, a framework and structure to manage industrial relations and access to branch official from recognised unions, without individual settings being required to put their own potential expensive arrangements in place. Further detail can be found in the Trade Union Facilities arrangements documentation on the local authority's Schools website.

3.2 Funding for facilities time for trade unions representing school based employees at a local/branch level have been primarily funded through the Dedicated Schools Grant, for 2017-18 this has been through the retention of the Historic Commitment for Union Duties. Through this approach to funding the facilities agreement is available to all schools including academies, free schools and other non-maintained schools funded through the local authority's formula funding models. However this approach to funding, as discussed in previous Forum papers on union facilities arrangements cannot continue. The centrally held funding must be delegated.

3.3 The following table summarises the claims submitted by schools and academies in respect of union facilities work undertaken during the financial year 2016-17.

Union	£
ATL	13,900
NUT	65,800
NASUWT	19,600
NAHT	6,700
Administration	1,100
TOTAL	107,100
Budget	110,000
Saving in 2016-17	3,900

3.4 Forum members will be aware from facilities agreement documentation that each individual union is allocated manpower resources based on a “time calculation”, which is determined by a lump sum allocation of 10 days per year plus a proportion of a day for each registered member of the union’s branch within Oxfordshire. With effect from 1 September the National Union of Teachers (NUT) and the Association of Teachers and Lecturers (ATL) will become the biggest union of teachers and educators in Europe – National Education Union. This will, in a full year, mean the saving of one lump sum allocation (10 days at an estimated £250 per day or £2,500).

3.5 Teaching union colleagues are currently reviewing activities and tasks undertaken by those involved under the facilities agreement. Trade union representatives carry out a range of complex and demanding activities including advice, representation and negotiation. Representatives attend meetings covering, but not exclusive, disciplinary, grievance, ill health and capability meetings, formal or informal, and consultation meetings on changes to working arrangements including work associated with schools converting to academy status (such as formal sign-off of TUPE arrangements). There is no initial indication that work undertaken does not conform to the facilities agreement.

3.6 With the delegation of the Union Duties budget to all schools and academies from 1 April 2018 it has previously been stated that the annual contribution from all settings to fund a centrally administered union facilities would be £1.32 per pupil based on pupil numbers as determined by the Schools Block funding formula.

4. Additional Proposals

4.1 Based on the content of previous union administrative papers presented to Forum, and the above, it is proposal that

- a) The savings identified in paragraphs 3.3 and 3.4 be incorporated in a recalculation of the per pupil amount stated in paragraph 3.6
- b) Remove what appears to be an unfair subsidy for schools and academies with either Early Years and/or sixth forms by including all these pupils in the calculation of the amount of annual contribution

(paragraph 3.6). This will also have the effect of reducing the charge per pupil for all.

The effect of the above is that proposal a) will reduce the per pupil charge to £1.26 while combining with proposal b) the final per pupil rate will reduce further to £1.12.

4.2 In terms of value for money and in relation to paragraph 3.5 establish a formal (central) record of schools and academies in which trade union representatives have been active for each financial or academic year, either in formal procedures or informally so that this can be shared with schools including any work where financial contribution has not been made from the facilities agreement budget. This information and data will also be used to review the budget annually.

4.3 Schools Forum will formally recommend all schools and academies buy-in to the continuation of the local authority's union facilities agreement. The aim being for all schools and academies by contributing to a 'pool' to share the costs of paying for teaching trade union facilities time and draw on an established wealth of expertise.

4.4 Acknowledge that where schools and academies do not buy-in to this union facilities arrangement those settings will be responsible for making their own arrangements for covering work areas/tasks etc. and costs associated with release of officials for representation or training. Trade union representatives employed within the school or academy will be entitled to undertake the full range of functions detailed in the facilities agreement and to appropriate training from their respective union. The unions have advised that a school based representative would need cover for approximately 10 days of initial training per official.

5. What next?

5.1 If the above is acceptable to the Sub-committee it is proposed that all previously provided information on the administration of the union facilities agreement budget and costs be bought together and signed off formally by Schools Forum in October 2017.

6. Contact Details of Lead Officer/Author

If you have any queries or comments in advance of the Schools Forum meeting about this report, please contact:

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In order for the local authority to avoid having to resubmit its APT funding formula model for 2017-18 and possibly delay the issue of budget planning information to schools and the EFA, I have been asked to provide clarification of the position concerning the Union Facilities administration and seek maintained schools Forum members formal agreement to the de-delegation proposal, currently given in "principle". .

1. The Dedicated Schools Grant (DSG) realignment exercise, creating three separate funding Blocks within DSG, undertaken to move local authorities to a "standardised" 12 factor funding model included the identification of certain expenditure to be met from the Schools Block. These are known as Historic Commitments and were frozen in terms of cash at the 2012-13 level. These Commitments included an amount relating to union facilities (£61,100).
2. Prior to 2015 the local authority proposed that
 - this Commitment be delegated to schools through the formula allocation
 - the responsibility for the administration be passed to an academy or school
 - contributions from maintained schools to costs be collected from maintained schools through a de-delegation levy and a levy of the same amount be invoiced to each academy group.
3. Forum were favourable to the approach outlined in point 2 above but for the changes to be in place by April 2015 it was felt that time available was an inhibitor. It was agreed that the Historic Commitment funding would be retained centrally until April 2017, the local authority would continue to administer the arrangements. However, a properly costed budget would be created with the shortfall between cost and the frozen cash budget would be met from ISB (2012-13) Contingency.
4. The annual budget needed to meet costs is calculated at £111k, as shown in paper 5 (12 January 2017), £49,900 being made available from Contingency. The increase costs being caused by (a) a switch from ad hoc staff involvement (at a daily rate) to permanent staff, the latter involving on-costs not necessarily incurred by part time staff, (b) more experienced staff (higher paid) undertaking the work and (c) increasing claims for reimbursement.
5. It was previously agreed that the amount to be recovered from schools/academies must meet actual costs (as with all other services offered to schools). Failure to get maximum buy-in will result in the level of service being offered reduced.
6. Given point 5 above, the charging rate, based on pupil numbers, would need to be £1.32 per pupil to recover all costs. Calculation based on latest (October 2016) pupil numbers.

	<u>Number of Pupils</u>			<u>Income Generation @£1.32 per pupil</u>		
	Maintained Schools	Academies	Total	Maintained Schools £	Academies £	Total £
Primary	36,736.71	14,827.89	51,564.60	48,000	20,000	68,000
Secondary	1,527.00	28,064.20	29,591.20	2,000	37,000	39,000
All through		1,994.17	1,994.17	0	3,000	3,000
Special	617.00	417.00	1,034.00	1,000	1,000	2,000
PRU		106.00	106.00	0	0	0
	<u>38,880.71</u>	<u>45,409.26</u>	<u>84,289.97</u>	<u>51,000</u>	<u>61,000</u>	<u>112,000</u>

It is hoped that the above now provides sufficient information for maintained schools Forum members to formally vote agreement to de-delegate funding identified in the paper at paragraph 4.7, that being £1.32 per pupil. Can maintained schools Forum members respond by e-mail by return or as soon as possible. The deadline for submission of the APT is this Friday, 20 January. A response by lunchtime on Thursday 19 January would allow the APT to be updated ready for submission. Please also copy Sarah Fogden and Margaret Whitaker into your response.

Can maintained schools Forum members, respond either, for, opposed or abstaining
Maureen Thompson
Sue Tomkyns
Brenda Williams
Kevin Moyes
Damian Booth