

**Oxfordshire County Council**  
**Schools Forum 3 October 2017**  
**Trade Union Facilities Administration**

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

**1. Item for Decision**

Schools Forum members are requested to agree the content and proposals contained in this report relating to the financial administration of the costs associated with the teaching unions facilities arrangements.

**2. Purpose of Report**

This report brings together previous reports information, where appropriate and outlines the proposed funding and financial administration of the union facilities work undertaken on behalf of schools in Oxfordshire from April 2018 and provide information as to costs incurred and work undertaken by union representatives funded against the agreed trade union facilities arrangements.

**3. Recommendations**

3.1 Schools Forum members are requested to agree the content and proposals contained in this report.

3.2 Schools Forum to 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. Current Position and Costs**

4.1 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.

- 4.2 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.
- 4.3 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	2,900

- 4.4 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).
- 4.5 Teaching union colleagues are continuing to review 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 exclusively, 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 indication that work undertaken does not conform to the facilities agreement.

- 4.6 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.
- 4.7 In addition to paragraphs 4.1 and 4.5 above and Trade Union Facilities arrangements documentation, union colleagues involved in this provision have provided a brief summary of the support activity and help they give to schools and academies, is shown in appendix A while the following three bullet points summarise the some of intention of the teaching unions facilities arrangement.
- Governing bodies are responsible under employment law for sanctioning paid time off for employees undertaking trade union duties in their own establishment. Lay officials of each recognised union in each workplace, including staff reps and branch secretaries, have the right to time off with pay to carry out trade union duties (section 168 TULRCA, the Trade Union and Labour Relations Consolidation Act).
  - Such officers also have the right to time off for training if related to TULRCA section 178 (2) matters, (terms and conditions, recruitment, suspension, dismissal, work allocation, discipline, union membership, time off facilities and procedures, as outlined in the ACAS code of practice below\*). Similar rights are conferred on Trade Union Health and Safety representatives under regulation 4(2) of The safety Representatives and Safety Committees Regulation 1997.
  - In order to save every school having to release employee Representatives from each union to have full and updated training in all issues listed above, Oxfordshire operates a county union officer scheme in which a handful of trained elected officers covers all members in all schools, with a pooled funding model to reimburse schools which release an elected officer for countywide duties.
- 4.8 The return on the investment made in trade union facility time will be many times the sum spent. Recent research commissioned for the TUC from the University of Hertfordshire stated that for every £1 spent between £3 and £9 of benefits were accrued.

## **5. Funding and Charging Rate Proposals**

- 5.1 Based on the content of previous union administrative papers presented to Forum, and the above, it is proposed that

- a) The savings identified in paragraph 4.4 be incorporated in a recalculation of the per pupil amount stated in paragraph 4.6
- 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 4.6). 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 (at 2016-17 prices). It is also proposed that the future years charge reflect the increase schools budgets through the Dedicated Schools Grant, any shortfall being met through “economies of scale” savings to be made through the relevant union’s activities. (see also paragraph 5.5 below).

The calculation of the annual charge will reflect a prior year underspend and this underspend will form the basis of the following year’s levy (i.e. where there is an underspend the next levy would be reduced by the underspend and the impact of the under spend on that year, two reductions rather than one).

- 5.2 In terms of ensuring value for money and in relation to paragraph 4.5 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 deployment annually.
- 5.3 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.
- 5.4 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 per union.
- 5.5 Subscription/buy-in commitment to this union facilities administration arrangement by academies will be by 31 December 2017. This will

allow initial calculation of available resources and provide the unions involved sufficient time to plan workloads and manpower. In discussion by Schools and High Needs Sub-committee on 22 June it was agreed that it was essential that all schools contribute to ensure good provision of assistance (skills and experience) and having help readily available to those schools and academies that need it and when they need it. In addition it is proposed that the commitment entered into by schools and academies is for three years (this is consistent with all other support functions offered to schools by the local authority, thereby providing stability and predictability to the quality and level of service provided.

- 5.6 Union officials are actively canvassing schools and academies to commit to arrangements outlined in this paper.
- 5.7 Also, union officials are in negotiation with a number of potential administrators of the finances of this facilities arrangement.

## **6. Financial Administration Proposals**

- 6.1 The process for funding the union facilities agreement work from April 2018 will be as follows:
  - 1. The DSG Historic Commitment for Union Duties will be delegated to all schools and academies from 1 April 2018. This amount will be included within the Basic Entitlement element of the formula funding model.
  - 2. The administration of the finances of the union facilities agreement work will be undertaken by a designated school or academy from 1 April 2018 (negotiation is currently being finalised as to which school this will be).
  - 3. The identified costs of providing the service, see above, will be recovered from schools and academies as a contribution based on a standard amount per pupil (for all pupils aged reception to post 16 in primary and secondary schools), agreed planned places for special schools and Meadowbrook College and full-time equivalent for nursery aged pupils (nursery schools and nursery classes). Nursery aged pupils attending for 30 hours will be deemed to be 1.0fte.
  - 4. A single point count will be made upon which the annual levy will be based, the October Census data, preceding the traditional financial year, will be used.
  - 5. The annual contribution will be recovered through
    - 5.1. De-delegation, for maintained schools, Schools Forum representatives will be asked to agree, as part of the formal funding model discussion to approve, the charge to be deduced from the schools individual budgets. The funding model will generate each schools contribution and the amount will be separately identified on the schools' funding statement
    - 5.2. For academies, an "invoice" will be prepared, based on the total membership of each MAT/trust rather than at individual

academy establishment level. This will reduce the administration of income collection from the current level of around 110 individual academies to just 29 MAT/Trusts. Information as to the number of MAT/Trusts and the number of pupils will be provided to the administrator school/academy by the local authority taking these details from the formula funding model. Income will be collected during April.

6. Schools and academies will be asked to sign up to this arrangement for 3 years, being reviewed in September 2020. However, academies will be able, as with most schemes previously offered through the local authority, be able to give three months' notice prior to the start of the following year's provision to withdraw from these arrangements (allowing academies to review their commitment on an annual basis).
7. Where schools and academies provide staff release time to undertake agreed union facilities agreement work they will submit detailed invoices to the administering school or academy. Where the amount is regular (same amount per month) it is expected that the payments process will utilise appropriate banking mechanisms (standing orders, direct debits).
8. The administering school/academy will report the finances annually to the local authority who will then disseminate this along with a report on activity undertaken to all schools and academies for information.
9. The scheme will operate based on the financial year April to March.

## **7. What next?**

- 7.1 If the above is accepted by Schools Forum, local authority and union colleagues will seek to;
  - a) Formal commitment from all academies and MATs to these arrangements
  - b) Progress the de-delegation arrangements for maintained schools as part of the budget approval process scheduled for December 2017/January 2018
  - c) Local authority to provide sufficient information and where necessary training, to the academy finance staff who will take responsibility to administer the facilities finances

- 7.2 Maintained Schools Forum members eligible to vote in respect of de-delegation

Maureen Thompson

Sue Tomkys

Brenda Williams

Kevin Moyes

Damian Booth

Kerrie Blaker (new Primary Maintained Governor)

Maintained nursery and special schools representatives will be asked to confirm their support for the above and its application to their respective school groups.

- 7.3 On 1 April 2018 the financial administration will transfer to a “new” provider. The local authority will continue to provide pupil number data for the annual levy calculation and as part of the annual funding cycle the request for de-delegation of the levy from maintained schools.

## **8. Contact Details of Lead Officers/Authors**

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

Name: Nick Baggett, Education Finance Manager  
Telephone Number: 07584174692  
Email Address: [nick.baggett@oxfordshire.gov.uk](mailto:nick.baggett@oxfordshire.gov.uk)

Name: Ian Jones, Oxfordshire federation NASUWT, Secretary of COTO  
Telephone Number: 07501 171519  
Email Address: [ianjones.oxford@ntlworld.com](mailto:ianjones.oxford@ntlworld.com)

Appendix A

Summary of Union Duties Support Provided to Schools and Academies

**The COUNCIL of OXFORDSHIRE TEACHERS'**

**ORGANISATIONS**

**ASCL**

**ATL**

**NAHT**

**NASUWT**

**NUT**

**A Summary of Union Duties Support Provided to Schools and Academies.**

**September 2017**

- Unions have a duty to respond to calls from members in situations which, through statute and policy, allow for TU support and representation by serving Teachers in their role as trained lay officers of the Trade Union.
- The driver for the work undertaken is the number of members who find themselves in such circumstances.
- In the last twelve months these duties have covered:

**Casework:**

*Grievances – advice/support for members – attendance at hearings and appeals.*

*Disciplinary procedures – attendance at investigation meetings and planning for support at hearings .*

*Sickness Absence – support for members, representation at Stage meetings, seeking beneficial solutions for both member and school.*

*Appraisal issues – support for members, compliance with policy .*

*Capability procedures – support for members/attendance at meetings .*

*Contractual issues – support/advice for members .*

*Restructures/Redundancies – attendance at formal meetings, preparation of responses to management, support for individual members .*

*Allegations – preparations for hearings, support and representation for members .*

*Assault by pupil – support for member and school management .*

*Equalities issues – support for member and school management .*

*NQT Induction issues – negotiation between member, school and OTSA .*

*Health and Safety – carrying out Health Safety and welfare functions.*

**Joint Negotiations:**

*Committee negotiations with employers over policy changes (Workforce steering group - Model Policy formation; Teachers' Joint Consultative - conditions of service for OCC employees; Oxfordshire Human Resources Forum – liaison with HR providers to Academies and MATs).*

*Preparation for joint negotiations, COTO .*

*Academy conversions – consultation at TUPE sign off meetings and on site follow ups with employees .*

*Provision of CPD for members/training of reps including employment law training.*

- Governing bodies are responsible under employment law for sanctioning paid time off for employees undertaking trade union duties in their own establishment. Lay officials of each recognised union in each workplace, including staff reps and branch secretaries, have the right to time off with pay to carry out trade union duties (section 168 TULRCA, the Trade Union and Labour Relations Consolidation Act).

- Such officers also have the right to time off for training if related to TULRCA section 178 (2) matters, (terms and conditions, recruitment, suspension, dismissal, work allocation, discipline, union membership, time off facilities and procedures, as outlined in the ACAS code of practice below\*). Similar rights are conferred on Trade Union Health and Safety representatives under regulation 4(2) of The safety Representatives and Safety Committees Regulation 1997.
- In order to save every school having to release employee Representatives from each union to have full and updated training in all issues listed above, Oxfordshire operates a county union officer scheme in which a handful of trained elected officers covers all members in all schools, with a pooled funding model to reimburse schools which release an elected officer for countywide duties.
- In the 12 months to January 2017 this allowed for part time Negotiation and Casework duties by just 5 NASUWT officers, 5 officers for the NUT, one for ATL, and one for NAHT to cover all schools and settings in Oxfordshire. Such a group was able by and large to meet our main obligations in preparing for and supporting every member with issues covered by TULRCA section 178(2).
- COTO officers undertake Negotiation or Casework duties solely for the purposes as specified by ACAS, see below.
  - The availability of trained and skilled Union Officers facilitates support not only for staff members but also for schools managing very difficult and often traumatic circumstances. It is based on the joint effort to reduce the possibilities of difficult situations escalating into undesirable or confrontational ones.
  - In the Oxfordshire tradition this has also included negotiations to preclude the need for formal procedures where possible, both at an individual and policy level.
  - A network of negotiation meetings operates to ensure such discussions remain open to all school employers and their HR providers. These structures, centred on the Workforce Steering Group, also provide ready negotiated Model Policies for adoption by OCC Schools, and consideration by Academies for adoption without further negotiation.

**Ian Jones**  
**September 2017**

**\*ACAS Code of Practice on Union Duties.**

- (a) **terms and conditions of employment, or the physical conditions in which workers are required to work.** *Examples could include:*
- pay
  - hours of work
  - holidays and holiday pay
  - sick pay arrangements
  - pensions
  - learning and training
  - equality and diversity
  - notice periods
  - the working environment
  - operation of digital equipment and other machinery.
- (b) **engagement or non engagement, or termination or suspension of employment or the duties of employment, of one or more workers.** *Examples could include:*
- recruitment and selection policies
  - human resource planning
  - redundancy and dismissal arrangements.
- (c) **allocation of work or the duties of employment as between workers or groups of workers.** *Examples could include:*
- job grading
  - job evaluation
  - job descriptions
  - flexible working practices
  - work-life balance.
- (d) **matters of discipline.** *Examples could include:*
- disciplinary procedures
  - arrangements for representing or accompanying employees at internal interviews
  - arrangements for appearing on behalf of trade union members, or as witnesses, before agreed outside appeal bodies or employment tribunals.
- (e) **trade union membership or non-membership.** *Examples could include:*
- representational arrangements
  - any union involvement in the induction of new workers.
- (f) **facilities for trade union representatives.** *Examples could include any agreed arrangements for the provision of:*
- accommodation
  - equipment
  - names of new workers to the union.
- (g) **machinery for negotiation or consultation and other procedures.** *Examples could include arrangements for:*
- collective bargaining at the employer and/or multi-employer level
  - grievance procedures
  - joint consultation
  - communicating with members

- *communicating with other union representatives and union full-time officers concerned with collective bargaining with the employer.*

*The duties of a representative of a recognised trade union must be connected with or related to negotiations or the performance of functions both in time and subject matter. Reasonable time off may be sought, for example, to:*

- *prepare for negotiations, including attending relevant meetings*
- *inform members of progress and outcomes*
- *prepare for meetings with the employer about matters for which the trade union has only representational rights.*