**AGENDA ITEM 4 - APPENDIX 2**

# Trade union facility time for teacher unions

**1. BACKGROUND**

1.1 A local Trade Union Facility Agreement, consistent with the national agreement set out in Appendix 3 of the Burgundy Book means that, as the employer, LBTH meet their legal obligations in respect of providing facilities and time to enable local trade union representatives to fulfil their roles.

(Note: *see* [*http://www.acas.org.uk/?articleid=2816*](http://www.acas.org.uk/?articleid=2816) *for further information on legal entitlement to paid release).*

1.2 As part of the agreement trade union officers of each teacher union have been allocated an amount of time in which local officers are released from their normal duties to take part in trade union work.

1.3 This is called Facility Time and funding is allocated to this to reimburse the schools where local officers are employed, on the principle that schools should not suffer any financial loss as a result of staff members being released for these purposes.

1.5 Until 2014 funding for this was held as part of the central budget by the Local Authority.

1.6 Changes made in 2014 mean that this money is first given to schools, who can then make a decision to give it back the Local Authority through the process known as de- delegation.

1.7 Where schools become academies, unions seek a formal recognition agreement, a key part of which is seeking agreement for each academy to “buy-in” to local arrangements for facility time – currently all academies in Tower Hamlets have agreed to do this.

**2. BENEFITS OF POOLED FACILITY TIME**

2.1 We believe that the benefits of pooling facility time have been well rehearsed and are understood and can best summed up by various documents produced by trade unions including the NAHT motion to the TUC in 2016 (attached). These include:

a) Joint working between trade union representatives and school leaders who understand the provision for staff in the school.

b) Access to informal advice and support on employment issues from local representatives who understand school issues because they work in schools themselves.

c) Prompt response to all requests for contact or support from trades union, or professional association, representatives who work in local schools.

d) Sharing of good practice and ideas between establishments.

e) Schools and their staff are kept abreast of issues on the national trade union agenda and pertaining to collective agreements.

f) Availability of a pool of specialist trades union representatives able to consult meaningfully with the Local Authority on proposed changes to HR and pay policies on behalf of all maintained schools and academies. This saves individual schools having to consult with the trades unions independently.

g) Information provided by schools to enable meaningful consultation with the trades unions is treated sensitively.

h) Employees' concerns and grievances are addressed ‘behind the scenes’ wherever possible, in a way which prevents sensitive issues escalating into confrontation involving formal procedures which can be extremely costly in both senior leadership time and money.

**3. TIME ALLOCATED TO TEACHER UNIONS**

3.1 The time allocated to teacher unions has historically amounted to 2.4 fte

3.2 This has been divided between the unions on a proportionate basis of:

NEU 1.8 fte

NASUWT 0.4 fte

NAHT 0.1 fte

ASCL 0.1 fe

Each union then allocates the time in the best way to represent its members individually and collectively in Tower Hamlets and this represents a fair and proportionate distribution of facility time.

**4. HOW IS FACILITY TIME USED?**

4.1 Facility time is used by local officers to:

* take part in consultation and negotiation on collective issues with the Local Authority and schools
* seek, and represent, the views of union members on a range of issues
* provide, advice, support and representation to individual members who are subject to procedures or facing difficulties
* receive training so that they are fully informed about latest developments in education, employment law and matters relating to teachers
* provide information, advice, support and training to school Reps
* offer advice on Health & Safety and other matters relating to conditions at work
* attend meetings at national and regional level for their union

4.2 It should be noted that advising, supporting and representing members may not always involve attending meetings in a school, but could involve meetings or conversations with members which prepare them for a meeting or advise them on their rights, responsibilities and entitlements.

**5. SUPPORT FOR MEMBERS AND SCHOOLS**

5.1 Since September 2017 the NEU can identify 60 primary schools, 19 secondary schools, 2 nursery schools and 4 special schools in which we have been involved to support members either on an individual basis or collectively.

5.2 A look at recent call and email logs show that we receive between 10-15 queries a day which require an answer.

5.3 Some of the issues we have dealt with through this engagement are:

• Difficulties with NQT induction

• Leave of absence/flexible working

• Pay appeals

• Capability

• Disciplinary

• Grievance

• Sickness Procedures

• Termination of contract

• Maternity leave

• Restructuring/redundancy consultation

• Consultation on school policies

• Child protection/suspensions

• Academy conversions

• Changes to school day

• Settlement Agreements

• DBS queries and problems

• Conflict resolution between staff who may be members of the same union

**6. BREAKDOWN OF CASES REQUIRING INVOLVEMENT OF NEU OFFICERS**

6.1 Below is a breakdown by various categories of how the time of NUT officers has been used in advising or representing members in local schools:

* Academy conversions/TUPE 4
* Capability 19
* Changes to school day 2
* Child protection/DBS queries 12
* Contracts/working time 16
* Disability equality 7
* Discipline 27
* Discrimination/Harassment 9
* Flexible working/Leave of Absence 12
* Grievance 6
* Health & Safety 8
* Mediation 5
* NQT induction 4
* Parental complaints 3
* Pay queries/appeals 31
* Policy consultation 6
* Restructure 11
* Settlement Agreements 13
* Sickness/return to work 20
* Staffing reductions 8
* Workload/Directed Time 31

**TOTAL 254**

## Support for members and schools

**UNISON**

We can identify the direct involvement of rep in 60 schools in the last year. This doesn’t include all phone consultations with members where these do not lead on to any formal process – we deal with more than 50 calls per week from schools based staff.

50 Primary Schools

11 Secondary schools

4 Nursery schools

7 Special schools

As well as direct involvement there is significant time spent on advising and supporting local reps.

The issues dealt with include:

* Capabilities
* Changing school working hours
* Child protection/ safeguarding issues
* Conflict Issues
* Consultations on procedures
* Consultation on NJC pay
* Contracts
* DBS queries
* Disciplinaries
* Equalities and disability – access to reasonable adjustments
* Equalities and discrimination issues
* Flexible working arrangements
* Grievances
* Health and Safety
* Investigation Meetings
* Job evaluations
* Leave and special leave entitlement
* Maternity issues
* Pay/Grading Issue
* Pensions
* Qualification requirements
* Redundancy Issues
* Restructures
* Schools converting to Academies
* Settlement Agreements
* Sickness procedures
* Suspensions
* Termination of Employment
* Training
* TUPE
* Workload queries
* Whistleblowing

We have around 1592 members in schools.

We have two officers dealing predominantly with schools whose combined time is 37.5 hours per week, term time only.

However other branch officers also get directly involved in a range of situations such as major issues (eg restructures, academy conversion etc,); advice and support for complex cases; and consultative mechanisms and other joint processes such as job evaluation.

**NASUWT** can identify that we have direct involvement with members in just over 55 schools in the borough: primary, secondary and pupil referral units. Since September 18 I have represented members with issues such as:

Data Breach

Workload

Pay increase

Flexible Working

Pay and Conditions

Health and Safety

* Capabilities
* Disciplinaries
* Sickness procedures
* Suspensions
* Settlement Agreements
* Grievances
* Conflict Issues
* Schools converting to Academies
* Restructures
* Capabilities
* Disciplinaries
* Sickness procedures
* Settlement Agreements
* Grievances
* Conflict Issues
* Schools converting to Academies
* Restructures
* Flexible working arrangements
* Changing school working hours
* Job evaluations
* Leave and special leave entitlement
* Equalities and discrimination issues
* Equalities and disability – access to reasonable adjustments
* Training
* Workload queries

This represents a small amount of what we do as Local Officers. Many hours are spent on phone calls, meeting members to discuss issues, casework prep attending various meetings in the borough.

**GMB Activity and Membership levels in schools**

## SUPPORT PROVIDED FOR MEMBERS AND SCHOOLS

Since September 2017 the GMB can identify 56 primary schools, 14 secondary schools and 5 special schools in which we have supported members.

GMB has seen an increase of membership within schools since the last report we have gone from 1,035 members to **1,100** members.

Below is a breakdown by categories of how the time of GMB representatives have used facility time in advising or representing members in local schools.

Disciplinary 12

Meeting pertaining to Disciplinary 55

Grievance 14

Meeting pertaining to Grievance 41

Contracts/Working Time Enquires 16

Sickness 37

Informal Meeting to resolve issues 20

Health & Safety 5

Academy Conversations/TUPE 1

Discrimination/Harassment 7

Flexible Working 8

Capability/ Pre Meeting associated 10

Suspension Meeting 2

Re-Structure 6

Meeting pertaining to Restructure 36

Policy Meeting 3

Settlement Agreement 3

Pay Queries 13

Job Evaluation 40

General Enquires average per week 30

**Total 359**

**GMB Membership across Schools 1,100**

**Some number crunching to inform discussion on TU facility time**

**STAFF**

Teachers 3,251

Support staff 4,727

**TOTAL 7,978**

**PUPILS**

Primary 19,794

Secondary 8,486

Special 583

Academies 8,725

**TOTAL 38,588**

**TEACHER UNION MEMBERSHIP**

NEU2,479 (76%)

NASUWT approx. 500

NAHT 206 (6%)

ASCL 60 (2%)

*Note: teacher union density is approximately 92% nationally*

**NAHT motion to TUC Congress 2016**

Congress notes the crucial role that facilities time plays in schools in allowing representatives of all teacher, management and support staff trade unions to assist and represent their members in schools on issues of conditions of service.

Congress further notes that trade union facility time enables union representatives to carry out demanding and complex roles, to advise and formally represent members in grievance and disciplinary hearings and negotiate terms and conditions with employers.

This provides support to employees but also a route to working with employers to achieve the best outcomes on issues of conflict and resolve local issues as swiftly as possible, thereby reducing the risk of relationship breakdown and/or litigation.

Congress calls on the government to:

i) guarantee facilities time throughout education, in both local authority maintained and academy schools

ii) ensure that the ability for schools to ‘de-delegate’ funding to a local authority is maintained in any reforms to education funding

iii) note that facilities time saves money in the public sector by dealing with issues in a way that avoids conflict, litigation and industrial action.

Congress calls on the General Council to:

a) lobby the government to retain facilities time within all schools

b) work with all unions to protect facilities time across the public sector.