

<b>Date of meeting:</b>	Thursday, 11 November 2021
<b>Title of report:</b>	<b>Facilities – LA &amp; Unions Joint Report</b>
<b>Type of report:</b> Delete as required	For decision / discussion / information only
<b>Executive summary:</b> Including reason for submission	<p>To request support from Schools' Forum to continue support the principle of de-delegation in order to reduce the burden on individual schools of either needing to actively 'buy in' to arrangements or secure their own local arrangements.</p> <p>To update Schools Forum on the current NY Facilities Agreement and work underway to model an incremental increase over time as the current arrangements do not provide sufficient 'release' time.</p>
<b>Budget / Risk implications:</b>	An increase of 0.18p per pupil.
<b>Recommendations:</b>	<ol style="list-style-type: none"> <li>1) Agree to the proposed year 1 increase of 0.18p equating to £3.12 per pupil.</li> <li>2) Note the plan to model an incremental increase for teaching unions which will impact on future years' costs in order to increase facility release time and address the current challenges outlined within this report.</li> </ol>
<b>Voting requirements:</b>	Schools members only / Schools and non-schools
<b>Appendices:</b> To be attached	None
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<b>Presenting officer:</b> If not the originator	Penny Yeadon, Head of HR CYPS and a member of Teachers' Panel.

## 1.0 PURPOSE OF THE REPORT

- 1.1 To update Schools Forum on the current NY Facilities Agreement and work underway to model an incremental increase over time.
- 1.2 To request support from Schools' Forum to continue to support the principle of de-delegation in order to reduce the burden on individual schools of either needing to actively 'buy in' to arrangements or secure their own local arrangements.

## 2.0 BACKGROUND

- 2.1 Under current legislation, recognised unions are entitled to paid time off in order to undertake trade unions duties (release time). For schools, there are two mechanisms for reimbursement for 'facilities':
  - Arrangements for the provision of facilities for **teaching unions** in line with the Conditions of Service for School Teachers in England and Wales, appendix iii 'Burgandy Book'.
  - Arrangements for the provision of facilities for the **one recognised union for NJC (support staff) UNISON** which are managed corporately as these facilities arrangements apply across the wider Council, not just in schools.
- 2.2 Employers have a legal responsibility to provide facilities and, under Local Management of Schools (LMS), this responsibility sits with individual schools. However, it would be incredibly burdensome for individual schools to release several workplace representatives from each of the education unions. Instead, under current arrangements, Schools' Forum have continued to agree to 'de-delegate' an amount (on a per pupil basis) from each school in order to contribute a small proportion of the cost to fund Facilities arrangements across North Yorkshire with each union having a proportionate amount of release time.
- 2.3 This means that North Yorkshire schools are serviced by representative(s) who are readily available in the locality and have specialist local knowledge to carry out Trade Union duties (as set out below/attached).

The range of trade union duties that can be undertaken on behalf of members include:

- disciplinary hearings,
  - grievance hearings,
  - informal capability meetings and formal capability meetings,
  - sickness absence monitoring meetings,
  - terms and conditions of employment,
  - consultation meetings on changes to working arrangements,
  - investigations,
  - termination of employment and suspension of employment,
  - the duties of employment of a member and of a group of members,
  - advising and representation with regard to flexible working
- 2.4 Locally elected representatives for each union are also involved in negotiation and consultation, and other procedures. For example:

- Section 188 redundancy notices and TUPE consultations
- investigate member's complaints regarding health, safety or welfare at work and carry out health and safety functions such as investigating potential hazards, making representations to the employer on the above
- representing members in workplace consultations on Health & Safety
- attending safety committee meetings
- providing information and guidance to school reps
- facilitating compromise (settlement) agreements
- advice and support in the current COVID 19 pandemic

### 3.0 **THE CHALLENGE TO ADDRESS**

- 3.1 Under the current charging arrangements local representatives (including NEU, NASUWT, ASCL, VOICE and NAHT) do not have enough 'release time' to discharge their Trade Union duties (as set out above) to represent members in all schools that are paying into the arrangements.
- 3.2 Following recent financial modelling, it is clear that there is some current inequity in the distribution but, overall, the allocation is far below the good practice target standard of 0.2 fte release time per 200 members, ranging from 0.2fte per 637 members at worst to to 0.2 per 252 members at best.
- 3.3 The current pupil levy is £2.94; this is significantly below the levy that is set in other Local Authorities (see table 1 below).

**Table 1 – Local Authority pupil levy rate as of 2019 – 2020**

Hull	
Primary, Nursery, Special and Alternative Provision	Block sum - £326 per school PLUS £3.26 per pupil
Secondary	Block sum - £760 per school PLUS £3.26 per pupil
Leeds	£5.50 per pupil
Bradford	£5.26 per pupil
Kirklees	£5.72 per pupil
Wakefield	£5.70 per pupil
Doncaster	£10.14 per pupil
Barnsley	£4.75 per pupil
Sheffield	£3.25 per pupil

- 3.4 It must also be noted that during the past twelve months a significant number of the duties above have been undertaken by North Yorkshire based union representatives, with a particular focus on advice and support during the pandemic. National and local advice through engagement with the Local Authority has enabled a coherent and consistent message to be communicated to colleagues in schools. Local representatives are working hours far in excess of those being reimbursed under the release time arrangements and this has had a detrimental impact on the work life balance of these representatives. The Trade Unions have all faced challenges in securing volunteers within school to come forward for election rounds, particularly as

the geographic scale of North Yorkshire means that, for example, a teacher released from a school in Selby may have casework anywhere in North Yorkshire.

- 3.5 Trade Unions (and the Local Authority’s HR Service) have seen a significant increase in casework in recent years and this trend continues with the post partial school closure impact on schools. Local representatives play a key role in helping to resolve issues at an early stage. Inadequate Trade Union release time could lead to fewer issues being resolved informally, resulting in a significant increase in costs to schools and workload for school leaders. An increase in Trade Union release time would help reduce dismissal and exit rates, meaning lower recruitment costs and better staff morale and productivity.

**4.0 THE PROPOSAL**

- 4.1 For the reasons provided above, the Unions are requesting support from Schools’ Forum continue to support the principle of de-delegation in order to reduce the burden on individual schools of either needing to actively ‘buy in’ to arrangements or secure their own local arrangements. A proportion of this money contributes to the corporately managed arrangements for UNISON (The recognised union for staff employed on NJC terms and conditions) and the rest provides the funds to support the Facilities arrangements agreed in line with the Burgandy book principles for teaching unions.

- 4.2 It is proposed that:

- 1) For UNISON, we maintain the current contribution to the corporate arrangements on a comparable membership base rather than a set amount. This caters for any year on year pay awards. The proposed release time for UNISON is 0.2 fte per 380 members which, in essence, makes very little different to the current financial contribution arrangements. Although this is a low amount of release time, UNISON are comfortable that, due to the corporate arrangements, they have more resilience than the teaching unions and agree that there is insufficient release time currently for teaching unions.
- 2) For teaching unions we work towards a plan, in principle, to apply an incremental increase to the per pupil levy. Work is well underway to work with the teaching unions to model an incremental plan, which will be shared with Schools’ Forum at a future date.

- 3) In the meantime, the proposed per pupil cost is an increase of £0.18 as follows:

	<b>Teaching Union</b>	<b>UNISON</b>	<b>Admin</b>	<b>Total Price per Pupil</b>
Proposed cost	£2.55	£0.54	£0.03	<b>£3.12</b>

- 4.3 The small administrative fee supports the Local Authority services’ work on these arrangements, including from NYES and Finance.

**5.0 RECOMMENDATIONS**

Schools Forum is asked to:

- i. Agree to the proposed year 1 increase of 0.18p equating to £3.12 per pupil.
- ii. Note the plan to model an incremental increase for teaching unions which will impact on future years' costs in order to increase facility release time and address the current challenges outlined within this report.

STUART CARLTON

Corporate Director – Children and Young People's Service