

<b>Date of meeting:</b>	Thursday, 6 December 2018
<b>Title of report:</b>	<b>Professional Associations Facilities Arrangements (PAFA)</b>
<b>Type of report:</b> Delete as required	For decision
<b>Executive summary:</b> Including reason for submission	This report is prepared by the teaching and non-teaching unions and provides some options for funding facilities arrangements in 2019-20
<b>Budget / Risk implications:</b>	Increased de-delegation of funding
<b>Recommendations:</b>	Schools Forum are asked to consider the recommendations made by the unions
<b>Voting requirements:</b>	LA maintained primary-phase and LA maintained secondary-phase will need to vote.
<b>Appendices:</b> To be attached	Appendix 1 - PAFA Presentation to Schools' Forum 6 <sup>th</sup> December 2018
<b>Report originator and contact details:</b>	Chris Head, <a href="mailto:Chris.Head@exec.nasuwt.org.uk">Chris.Head@exec.nasuwt.org.uk</a>
<b>Presenting officer:</b> If not the originator	Chris Head

**Professional Associations Facilities Arrangements  
(PAFA)****1.0 Purpose of the Report**

The method of funding facilities arrangements may be changing

In 2010 members of the Schools' Forum received a funding proposal from the North Yorkshire Teachers' Consultative Panel (NYTCP) with which they were kind enough to agree.

Since then an increasing number of schools have converted to academies and the services of the NYTCP has been traded to non-maintained schools on the North Yorkshire Education Services (Previously Smart Solutions) website as the Professional Associations Facilities Arrangements (PAFA). In addition, since 2012 the demand by schools, academies and MATs for representatives from PAFA has continued to grow as the facilities fund has shrunk. The Local Authority also fulfils its statutory functions to consult with the recognised teacher and support staff trade unions on matters of policy for both maintained and academy schools.

**2.0 The Facilities Arrangements**

- 2.1 Having the Professional Associations Facilities Arrangements is an effective way of meeting the employers' responsibilities under various employment regulations. This includes the employers' responsibilities under the Trade Union and Labour Relations (Consolidation) Act 1992, Employment Relations Act 1999, the Safety representatives and Safety Committees Regulations 1997 and the Health and Safety at Work Act 1974 to release and give access to union representatives. In addition, it includes compliance with the ACAS revised Code of Practice which provides time off for trade union duties and activities, which came into effect on 1<sup>st</sup> January 2010. Appendix III (Agreement on Facilities for the Representatives of Recognised Teachers' Organisations) of the Burgundy Book contains the legal working framework. The Safety Representatives and Safety Committees Regulations 1977 regulation 4(2)(a) requires that employers allow union health and safety representatives paid time, as is necessary, during working hours, to perform their functions too.
- 2.2 The locally-based, experienced union representatives are available to advise and support individual members of staff. There is great benefit in having locally-based, experienced union representatives through the whole variety of procedures and situations that commonly arise in schools – allegations, grievance, discipline, ill-health, absence monitoring and capability procedures. If facility time is not organised centrally, then each union is likely to press for release of a union representative at each school. The training requirement for these representatives could be significant given the new role they are expected to fulfil (10 days funded by an Academy). For example, their release from teaching to accompany members to meetings could be more disruptive than under a pooled arrangement whereby a union representative is released centrally to perform these tasks. In addition, the existence of local well trained caseworkers is also to be seen as a means of reducing the number of instances where case work would otherwise escalate as a result of not being dealt with, and thus cause more costs in time and labour to the Local Authority, MAT, Head Teacher, governors, teacher(s) and support staff.

**Professional Associations Facilities Arrangements  
(PAFA)**

- 2.3 The union representatives also take part in school-based discussions on issues where the school has a legal duty to consult. They also give support and representation to centrally employed colleagues.
- 2.4 The professional association representatives meet with local authority officers to develop model school policies for both the maintained and academy schools and are available for a number of consultations on other matters. Recently the local authority has been trading the specific academy policies.
- 2.5 Releasing union reps, from a pooled arrangement, to carry out these functions is cost effective.
- 2.6 The drawback of not being part of the NYCC PAFA include;
- An employer's legal responsibilities are at risk.
  - There will be no local caseworkers and representatives available when required.
  - There will be no easy access to union representation without the costly training of a rep in every workplace for every Union.
  - There will be greater waiting times for meetings.
  - It is more likely that problems escalate rather than be concluded quickly and locally.
- 2.7 In addition, at present, the North Yorkshire Teachers' Consultative Panel, with HR understanding, has agreed not to attend, within the working day, an academy that is not part of the PAFA as it would obviously be unfair on the many that are.

**3.0 Financial considerations**

- 3.1 Historically, as part of its budget setting procedures, the Local authority have allocated a sum to the facilities arrangements, this sum was taken from the monies 'top-sliced' from the DSG before it became part of an individual school budgets. This appears to have been a notional sum, based on previous amounts and has not reflected the true cost of providing a service, for example there has been a sharp rise in "on costs" (national insurance and pension contributions).
- 3.2 The rise of academies has meant that element of funding has been given to the academies with an expectation that they "buy in" to the facilities arrangements. At present over 80% have joined the PAFA as a result of the work of a group of colleagues. Practically it is unclear if other Local Authorities are approaching the problem in this way as budgets seem to be being maintained.
- 3.3 The rate charged in North Yorkshire is and has traditionally been far lower than neighbouring or comparable local authorities; we believe the table below relates only to teacher facility fund costs.

Professional Associations Facilities Arrangements  
(PAFA)

North Yorkshire	£1.43 from April 2018, £2.25 from September 2018
Northumberland	£3.30 from April 2018
Cumbria	£5.70 per pupil
Hull Primary, Nursery, Special and Alternative Provision  Secondary	Block sum - £326 per school  <b>PLUS</b> £3.26 per pupil  Block sum - £760 per school  <b>PLUS</b> £3.26 per pupil
Leeds	£5.50 per pupil.
Bradford	£5.26 per pupil
Kirklees	£5.72per pupil
Wakefield	£5.70 per pupil
Calderdale	£2.32 per pupil
Doncaster	Unknown (funded from LA)

- 3.4 The government have established a principle of serving teachers should represent teachers. As retired teachers make up most current representatives who are funded by the facilities arrangements are paid on APT&C rates – considerably lower than teacher rates. Although the Trade Union Act takes this into account (following consultation on the Bill) it is true to say that other Local Authority Facility Funds support serving teachers and this is a factor that needs to be considered going forward. In that regard the STPCD salary levels and UNISON salary levels need to be factored in to the future budget.
- 3.5 Although we understood that Support Staff (UNISON) Facilities were organised corporately, the PAFA fund has been given a recharge in 2018 of £33,200 for UNISON's education members' facilities arrangements and now UNISON (education) will be part of the PAFA.
- 3.6 Taking these factors into account, the fund appears to be in a projected deficit of approximately £76,000 for the financial year 2018.
- 3.7 The NYTA panel and UNISON, with the local authority as the budget holder, are determined to ensure the global sum is sufficient, to pursue the academies and MATs to ensure maximum buy in and to keep the budget in balance.

**Professional Associations Facilities Arrangements  
(PAFA)****4.0 Other considerations**

- 4.1 The demands on Professional Association representatives continue to grow through;
1. The increasing amount of casework.
  2. The increased number of MAT Joint Consultation Committees that Senior Union Representatives are now attending.
  3. The increased number of Redundancy meetings due to changes in government funding of schools and introduction of new funding formulas which mean some schools lose out.
  4. The extra training time required with the increasing demands of the role to enable representatives to be up to date with changes to employment legislation.
  5. The current level of facilities time has relied heavily on goodwill, and the working of very long hours by a few individuals.
  6. North Yorkshire is the largest Local Authority, geographically, in the country.

**5.0 Responses**

- 5.1 The employer continues to have the legal responsibility to support trade union duties within NYCC in line with 1 above.
- 5.2 The most appropriate response to the current situation is that the status quo is maintained with regard to the de-delegation of trade union and UNISON facility time under the PAFA. The Fund would continue to be de-delegated as in similar Local Authorities.
- 5.3 The PAFA publicity flier has been updated to include UNISON and maintained schools.
- 5.4 There has been a presentation at the Bursar Conferences and will be at Head teacher events in February 2019 involving Chris Head (NYES/NYTCP link) and Anne Swift (NYTCP Secretary)

**Summary**

- The combined historical cost of Teachers' and UNISON facilities has now been confirmed by the Local Authority as **£1.63 per pupil**.
- In order to address the deficit the rate from April 2019 should be £2.70 per pupil
- **We propose that the Schools' Forum de-delegate the facilities fund for the upcoming year (2019/20)**
- **At a rate recovered from School budgets of £2.70 per pupil.**

## Appendix 1

### PAFA Presentation to Schools' Forum 6<sup>th</sup> December 2018

Following the Schools Forum meeting of 19<sup>th</sup> November, below are some notes/questions to help prepare some further information for the Schools Forum to discuss again on 6<sup>th</sup> Dec.

1. what is the total of funding currently received during the 18/19 academic year from maintained schools through de-delegation

Currently £69,000

2. given we have had Oct 18 census, what would be the new total of de-delegated funding if the proposed uplift to pp funding took place?

We are still awaiting this figure which should be available this week.

3. can a clear demonstration be given that the uplift amount is against work created from maintained schools as opposed to academies; clarity that there is no 'cross-subsidy'

As was discussed the rate for 2018/19 for maintained schools was £1.43 (cost including Unison was £1.63 – updated last week) as they paid in April 2018. The cost for new academies since September 2018 is £2.25 per pupil. From the fund all schools are entitled to casework representation and consultation. This includes North Yorkshire MATs. UK wide MAT consultations (JCCs) are dealt with by the national Union officials.

4. what are the actual traded amounts which have been passed to academies and on what dates April 18, Sept 18, April 19, etc; are SLA contracts in place

The academies tend to buy in on the anniversary of their conversion or original buy in date. Obviously it would be better if it was 1st April.

5. given that the longer term anticipated model is very probably that this MUST be traded, what is preventing a proposal to move to a traded model from April 19? All other services are now in effect traded; can a clear rationale be developed through HR support for a trading model whereby schools 'must' in effect trade in order to use agreed policy - risk/benefit analysis

We are working towards this and that is why we are asking for funding next year so that we can fully develop the model – I also think we continue to need NYES support to develop the model. HR and Relationship Managers already promote PAFA and explain that if academies (later schools) do not buy in what the dangers are. E.g. they would have to do individual consultation for policies etc. at a school or Academy level, train up the school rep and release them for all the casework and consultation meetings at a significant greater expense than a pooled model. This point we understand is the reason the academies/schools have returned to the pooled model in Durham City.

6. should we consider another 'holding decision' as we made several times today? i.e. agree to de-delegate as a backstop for if a proper traded model cannot evolve to be in place for April?

It would be helpful to have the decision for 19/20 on December 6<sup>th</sup> as the relationship managers and schools need to know the charge per pupil asap.