



NORTH YORKSHIRE SCHOOLS FORUM

Date of meeting:	Thursday, 12 November 2020
Title of report:	Trade Union Support for Schools (TUSfS) De-delegation
Type of report: Delete as required	For decision
Executive summary: Including reason for submission	The report discusses de-delegation arrangements for Trade Union Support for Schools (TUSfS) for financial year 2021-22 in relation to local authority maintained schools.
Budget / Risk implications:	De-delegation for LA maintained schools in 2021-22
Recommendations:	To de-delegate at £2.94 per pupil for local authority maintained schools in 2021-22
Voting requirements:	Local authority maintained schools (by relevant phase)
Appendices: To be attached	None
Report originator and contact details:	Chris Head
Presenting officer: If not the originator	Chris Head

(Trade Union Support for Schools De-delegation)**1.0 PURPOSE OF THE REPORT**

1.1 This is an interim report following that presented to the May 2020 Schools Forum and as an addition to a fuller report we hope to present in January 2021.

2.0 BACKGROUND

2.1 The name of the service is now Trade Union Support for Schools (TUSfS).

2.2 In the last 12 months Local Union Representatives such as the County Secretaries and their Casework Co-workers have been involved with the following:

- Collective consultation on policy developments with the NYCC CYPS and several individual MATs Joint Consultation and Negotiation Committees (JCNCs).
- Collective consultation on reorganisation of SEND.
- Collective consultation with the School Improvement Heads, Senior HR, NYCC Health and Safety (Schools) Heads and Public Health representatives on the response to the COVID-19 pandemic. This has involved weekly and now fortnightly meetings to discuss related issues and develop the Template School Risk assessment for maintained schools and academies.
- Collective consultation at school level with regard to redundancy, reorganisation and federation.
- Collective consultation at TUPE consultation meetings and academy conversions.
- Individual casework relating to the following policies and situations; Salary Reviews, Attendance Management, Disciplinary Procedures, Developing Performance, Capability, Flexible Working, Without Prejudice conversations, Resolving Issues at Work and Grievance.
- Advising many members via telephone conversations which are often well after normal working hours.

All these functions take place in North Yorkshire, which is the largest county in the UK.

2.3 Since the 23rd March and in compliance with the COVID-19 lockdown, Union Representative have been working remotely from home and involved in additional video conferences with the LA and individual MATs.

3.0 STRATEGY

3.1 An action plan was attached to our May report to Schools' Forum and continues to show the actions to be taken to achieve a fully traded model should it be required.

3.2 The plan shows who is to carry out the actions and those which have been completed.

3.3 To reiterate - the aims are to ensure

- all schools are aware of the benefits of buying into TUSfS which enables them to meet their legal obligations to provide facilities for representation of their staff, both teaching and support staff;
- all schools buy into the arrangements;

(Trade Union Support for Schools De-delegation)

- the per pupil amount is sufficient to ensure the resources are available to operate the service;
- the setting of a balanced budget, to include a small contingency.

4.0 PROGRESS**4.1 In addition.**

- The Trade Union Support for Schools flier is being updated.
- The Trade Union Support for Schools webpage has been updated in line with recent changes both to the NYES online presentation known as 'the Store' and Local team changes.
- Contact has been made with the new NYES Commercial Director.
- Contact continues between Chris Head (Teachers' Panel rep) and the Relationship Managers (RMs)

4.2 As indicated previously - comparison of the NYCC rate with other neighbouring Local Authorities is extremely competitive.

5.0 SUMMARY

5.1 We continue to plan with LA officers to be ready to be fully traded service if necessary and hope to have a fuller report on progress in the new year.

5.2 The buy in of academies remains high.

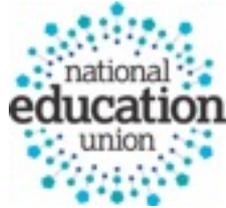
- Most academies are now paying into the service monthly.
- There continues to be a positive development of the relationship of all education employee professional associations within the TUSfS.
- We continue to await the Government's future plans for this type of service; however, present information appears to be no change.
- Future planning for succession and pricing needs to focus on the involvement of colleagues with a teaching contract.

6.0 RECOMMENDATIONS

6.1 In order to maintain the progress we ask that the new charge per pupil for the financial year 2021/22 is £2.94.

6.2 Schools Forum agree to de-delegate the facilities fund for a further year.

Report prepared by Chris Head, North Yorkshire Federation NASUWT Assistant Secretary



Dear Director

We are writing on behalf of all employees working in your local authority area who are members of NAHT, ASCL and the National Education Union (NEU).

You will recall, last year, local schools agreed through your Schools Forum to 'de-delegate' funding for supply cover costs, including for trade union facilities time. We believe that this was the right decision – and a very big majority of Schools Forums made the same decision, acting in accordance with advice issued by the Local Government Association and the National Employers' Organisation for School Teachers.

We believe that the central retention and distribution of this funding is the most effective and efficient arrangement and we would like to work with you to ensure that this arrangement continues. Discussions are now taking place in your authority on funding arrangements for supply cover costs from April next year and we are asking you to pass the information in this letter to members in your Schools Forum and to encourage them to vote again for de-delegation of funding arrangements for supply cover costs.

Successive governments have recognised the importance of good industrial relations and have legislated to provide a statutory basis for facilities time as follows.

- Paid time off for union representatives to accompany a worker to a disciplinary or grievance hearing.
- Paid time off for union representatives to carry out trade union duties.
- Paid time off for union representatives to attend union training.
- Paid time off for union 'learning representatives' to carry out relevant learning activities.
- Paid time for union health and safety representatives during working hours to carry out health and safety functions.

These provisions are contained within the Employment Relations Act 1999 and the Trade Union Labour Relations (Consolidation) Act 1992 and the Safety Representatives and Safety Committees Regulations 1977.

NAHT, ASCL and NEU have members and union representatives in academies as well as maintained schools within your local authority area and, in addition to seeking your support for continued de-delegation, we are seeking your agreement for the local trade union funding arrangement to be formally extended to academies within your local authority boundary.

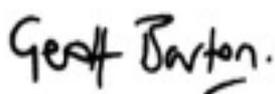
As the DfE Advice on Trade Union Facility Time acknowledges, the trade union recognition agreement between the authority and the recognised unions will have transferred to each academy school as the new employer of the transferred staff as part of the conversion process to academy status under TUPE. We believe that, following conversion, academies should also become parties to local authority trade union facilities arrangements.

The academies within your authority will have received funding for trade union facilities time in their budgets and they are permitted to use that funding to buy-back into local authority arrangements. Indeed, many academies across England have already agreed to buy in to local authority trade union facilities arrangements.

Pooled funding will help the local authority and all schools to meet their statutory obligations on trade union facilities time. Setting up a central funding arrangement will allow academies to pay into a central pool if they wish to. But most importantly it will help maintain a coherent industrial relations environment where issues and concerns whether individual or collective can be dealt with more effectively. All these points are echoed in the advice issued by the LGA and NEOST.

We urge you therefore to support the de-delegation of funding for trade union facilities time and to continue or establish (if you did not do so previously) a mechanism whereby academies within your authority are able to buy into a central fund for trade union facilities time. If you agree to do so, we will write to academy principals to encourage them to buy in to your arrangement.

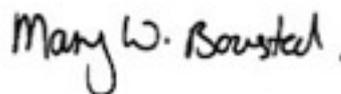
Yours sincerely



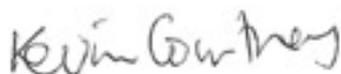
**General Secretary
ASCL**



**General Secretary
NAHT**



**Joint General Secretary
NEU**



**Joint General Secretary
NEU**