



Waltham Forest Association National Union of Teachers

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FUNDING FOR TRADE UNION FACILITIES TIME KEY ARGUMENTS ON PROVISION AND RETENTION OF FUNDING

Waltham Forest NUT would like the Schools Forum to consider this document and the arguments presented below. The only union that has a place on the Schools Forum is the NUT but the arguments made apply to all trade unions in schools. However, they draw mainly from the NUT's experience of working in the borough. This document gives key arguments about the case for adequate facilities time and the case for centrally retaining this through de-delegation. It urges LA schools and academies to support the de-delegation of funding and (where appropriate) buying into LA facilities time arrangements. Practical examples show how current arrangements have worked well for the LA and for individual schools and support the general arguments below.

THE CASE FOR ADEQUATE FACILITIES TIME FOR NUT LOCAL OFFICERS

Benefits of effective trade union representatives

Trade union representatives carry out a range of complex and demanding activities covering advice, representation and negotiation.

Effective local union officers can help school leaders and union members alike understand the impact of organisational changes; help to resolve reorganisation issues; and pass on ideas from staff. By doing so, they can help to minimise the impact of changes on schools. ***We have supported members in a large number of reorganisation meetings including the restructuring of nearly all separate Infant and Junior schools into all-through primary schools. We have also been involved in TUPE negotiations with all the schools that have converted into academies.***

Unions help to ensure that schools and LAs meet their legal obligations. The expertise of experienced trade union officers should not be lost to school leaders and LA officers. ***The Waltham Forest NUT office has built up expertise on many different types of casework we have trained local officers that are experienced in dealing with casework such as: Ill Health retirement; early retirement and pension issues; sickness procedure meetings and return to work meetings. We are also experienced in representing members at Disciplinary and Capability meetings. Another area that we have been involved in a lot in the past two years is representing NUT members at TUPE meetings and making sure that Nut members get their full contractual rights. We have also worked with the LA in helping them to develop their new sickness procedure.***

Funding for time off allows trade union representatives to attend meetings during the working day. Without it, meetings such as disciplinary, grievance, ill health and capability meetings - formal or informal - and consultation meetings on changes to working arrangements would be much more difficult to arrange. Meetings would usually have to take place in the evening or at weekends, affecting everyone involved. ***Union representatives have had a statutory right to reasonable paid time off to carry out trade union duties since 1975, and most of the current provisions come under the Trade Unions and Labour Relations***

(Consolidation) Act 1992, introduced by the then Conservative government. The most recent comprehensive assessment of the contribution by union reps towards improved business performance was made by the then Department of Business, Enterprise and Regulatory Reform in 2007 as part of the previously mentioned review of union reps facilities and facility time. The report found that the work of union reps resulted in:

- Savings to employers and the exchequer of between £22m - £43m as a result of reducing the number of Employment Tribunal cases;*
- Benefits to society worth between £136m - £371m as a result of reducing working days lost due to workplace injury and;*
- Benefits to society worth between £45m - £207m as a result of reducing work related illness.*

In addition, using the same formulae as used in the BERR report but with updated figures, it can reasonably be estimated that the work of union reps also results in:

- Overall productivity gains worth between £4bn to 12bn to the UK economy*
- Savings of at least £19 million as a result of reducing dismissals*
- Savings to employers of between £82m - £143m in recruitment costs as a result of reducing early exits.*

Good local union officers help to resolve issues at an early stage. In future, fewer issues would be resolved informally, resulting in a significant increase in costs to schools and workload for school leaders and LA officers. Disciplinary, grievance and capability issues would be more likely to escalate, with cases more likely to reach employment tribunals. ***Local officers are experienced in all the types of casework. Often grievance cases can be dealt with informally rather than take up a lot of school time. It is often the case that grievances are between members of the same union. Our approach outside of school's official procedure saves schools many hours of work. Compromise agreements are another area where the Union is central to negotiations. Sometimes this is the fairest answer to resolve long - term sickness issues or situations where the Teacher would welcome a new start. Often hours of meeting time are saved by using this route, leaving both parties able to move forward.***

Other benefits

Unions provide services such as professional training to members, which benefit the employer. Representatives effectively sell these to members. Without time for them to liaise with members, the benefits of this union training would be lost. ***The NUT regularly teaches health and safety courses, where Health and Safety Reps are fully trained to take up the responsibility of this important role. Areas covered on these courses cover areas such as: managing health and safety in schools; □ safety Inspections; □ framework. Other courses taught by the NUT include ICT for teachers; behavior management; leadership; equalities and teaching and learning.***

Cost benefit analysis

The current arrangements enable unions to develop expertise among a relatively small group of representatives who serve as local union officers supporting members across a large number of schools.

An end to central funding would bring that to an end. Schools would then be required to provide paid time off to trade union representatives at every school for duties relating to union members as well as paid time off for training to do so.

This would have substantial financial consequences for schools, since the costs would considerably exceed the funding delegated. It would also have other consequences such as the reduced likelihood of cases being resolved quickly. ***It is usual Waltham forest NUT to attend all investigation or disciplinary meetings within five days of the notice we are given. This is very unlikely to be the case in future if funding is not continued. School Reps would need to have adequate training to be able to represent members and***

Regional Officers would not be able to respond in anything like the same time frame that our office currently works within.

The current arrangements efficiently pool the cost risk to individual schools as well as allowing trade unions to provide more effective support through trained and experienced representatives.

The amount of funding per pupil for facilities time is relatively small. The removal of centrally held funding, however, would result in a significant cost for schools, as the valuable contribution made by union representatives is lost.

The current arrangements also allow LAs and schools to determine the pattern of absence for individual trade union officers at the start of the academic year and to make appropriate arrangements to avoid disruption to teaching and learning.

Research commissioned for the TUC from the University of Hertfordshire shows that involving trade union representatives effectively can help reduce dismissal and exit rates, meaning lower recruitment costs and better staff morale and productivity, and reduce workplace-related injuries and illnesses through better health and safety standards. (This guidance can be found in the Facilities Time section of the NUT Hearth website.)

The return on the investment made in trade union facility time is many times the sum spent. The above research estimated that, for every £1 spent on facility time, between £3 and £9 of benefits accrued to the employer.

At a time of significant change and pressures on funding, the cost to local authorities and schools of not adequately funding facility time could actually cause significant problems in the delivery of education.

THE CASE FOR DE-DELEGATION AND RETENTION OF FUNDING

Risks of additional costs arising from delegation

The cost of supply cover for facilities time will fall unpredictably and/or unevenly across schools. Delegation of funding, however, would be by means of a pupil-based funding formula, allocating a proportion of this funding to all schools.

As noted above, the funding delegated to individual schools will not match the funding needs of those schools liable to pay the costs of facilities time for NUT local officers. In addition, the funding required in total for greater facilities time for each school's NUT representative would far exceed the amount currently provided for the current LA facilities budget. ***Some schools will have more casework than others. If the NUT representative is not trained to represent members, then they will need to be trained. If it is envisaged that a trained can be bypassed, it needs to be noted that the NUT will still advise all members that they are entitled to union representation at meetings. This could lead to long delays with NUT members not being able to attend meetings until a trained representative represents them.***

In establishing the power to de-delegate, the DfE has accepted the argument that central retention of this funding should be permitted on the grounds of economies of scale and of pooled risk. Delegation of funding, on the other hand, will increase the likelihood of individual schools bearing a disproportionate cost for functions, which benefit all schools. ***A pooled risk is likely to become increasingly important as school funding is put under more pressure. School reorganisation or school mergers are likely to increase. Trade Union support can facilitate a smooth transition and work through any problems with staff changes.***

Presentation of information about costs to schools

It is not clear if Waltham Forest LA has identified the amount of funding involved for each school before any “de-delegation” has been discussed at Schools Forum. It is the NUT’s view that the amount per pupil will be very low. These minor costs per school compare very favourably with additional costs which individual schools might be liable if central funding was ended. ***The school population in Waltham forest is approximately 41,000 and the total amount of facility time money last year was £169,572, which amounts to around £4 per pupil per year. This means that the total facility time budgets for all unions are the equivalent cost of four full time teachers. This is what it has always cost and is the amount that comes out of school budgets already. The only difference now is that the government is keen for schools to know how much they are paying.***

A single investigatory meeting could require the services of a minute taker, (School secretary usually) Investigating officer, HR advisor and union representative. Additional costs could include keeping the school open late into the evening so would include caretakers. Further meetings in the Disciplinary Procedure can involve far more people such as witnesses. This could easily amount to hours of extra payments to HR services and school staff, both directly and indirectly involved. In addition to this, there is likely to be time pressure on such meetings to end quickly to save money for the school. However, the main inconvenience is likely to be having all meetings that require representation in the evening. Some meetings such as Disciplinary Hearings or Capability Hearings can require two members of HR and a panel of Governors. Witnesses have to be called usually as well. This makes it easily possible for a single meeting to cost hundreds of pounds in extra costs as well as causing huge problems getting everyone assembled together for an evening meeting.

If a local officer paid for through facility time, were not available then the only union representative with enough experience for serious procedures under the disciplinary code would be a Regional Officer. One Regional Officer looks after at least three London Boroughs, about 6,000 to 8,000 NUT members. This makes it very unlikely that a Regional Officer is going to be available when they are required to be by a school. This could result in waiting for possibly months to resolve a case or even hold a single meeting.

In theory, the alternative to waiting for a Regional Officer could be to use school reps to accompany members to all meetings. This will lose a lot of school time in cover where it does happen. It also raises the problem that we don’t have reps in every school and the ones we do have are not experienced in most cases to attend serious procedural cases. It is also unlikely that union members would not want the school rep to deal with such serious cases. However, the Officers in Waltham Forest with facility time have a great deal of accumulated expertise.

Decisions by sector

We are seeking agreement to central retention for both primary and secondary phases. It is our understanding If this does not happen, the decision to delegate for one sector should not preclude individual schools’ participation in the arrangements agreed for the other sector.

Academies

Academy funding arrangements mean that equivalent funding for supply costs including facilities time will be included in academies’ budgets irrespective of decisions on de-delegation. Academies remain subject to the statutory requirement to provide facilities time to trade union representatives (albeit only in relation to duties undertaken in respect of academy employees).

Academies are able to “buy back” into LA facilities time arrangements by making a contribution to the facilities time budget. This will enable them to receive reimbursement for supply cover costs for local officers employed by the academy.

We urge LAs to permit and encourage participation by academies, both standalone academies and those belonging to a chain. Academy representatives on Schools Forums can influence discussions on the issue of facility time. We therefore urge LAs to allow and encourage academies to participate fully including financially.

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Division Secretary