

DSG CENTRALLY RETAINED PROPOSAL 2024-25		
Title of Proposal	DD3 Union Facilities Time	Date September 2023
Lead Officer	Julie Andrews	Contact Tel. 07919 291012
Annual Funding Proposal (£)	£135,028	£23,972
Which phase of school does this support (✓)?	Primary	Secondary
	✓	✓
What proportion will each phase bear? Please state as an amount per pupil. (Please note that this year some Academy MATs have made contributions to the Facilities Fund enabling the per pupil cost to be reduced for maintained schools. Discussions for further contributions are taking place and should further contributions be received, this will enable further reductions for the maintained sector in the future.)	Primary	Secondary
	£5.58	£5.58
Is the service provided a statutory function? (Please provide detail below if yes)	Yes	Yes
<p>Facilities time is for 'trade union representatives' i.e. "employees who have been elected or appointed in accordance with the rules of [their] union to be a representative of all or some of the union's members in the particular company or workplace, or agreed group of workplaces where the union is recognised for collective bargaining purposes." (ACAS)</p> <p><u>The legal position:</u></p> <ul style="list-style-type: none"> • "Union representatives have a statutory right to reasonable paid time off from employment to carry out trade union duties and to undertake trade union training." (ACAS) • "You must give appointed [by a trade union] safety representatives the paid time necessary to carry out their functions [and to] undergo training in these functions, as is reasonable under the circumstances." (Health & Safety Executive) <p>There is no definition of "reasonable" other than that it should be enough time for representatives to "perform effectively", taking into account factors such as the size of the organisation and its workforce and the need for workers to be able to access their union representatives.</p> <p>Withdrawal from a pooled arrangement does not remove legal obligations under the Trade Union and Labour Relations (Consolidation) Act 1992 to provide paid time off for trade union duties Although there is no specific budget heading, all schools receive funding for facility time through the core grant, and therefore this should be spent on facility time release as intended</p>		
How has this proposal been calculated?		
In 2016, The JUP agreed a re-distribution of funding within the unions. This takes account of union membership numbers and a commensurate allocation of facilities time for representatives that reflects those numbers.		

The spend in 2012-13 was £350k. For 2013-14 and 2014-15, Schools' Forum decided that it would de-delegate £238k (Primary phase only) and £0k (Secondary phase). This meant a one-third reduction in the overall funding available to fund facilities time (since 2012-13) and also meant 100% of the central arrangement was funded by the Primary phase. In 2015-16 & 2016-17 & 2017-18, this was reduced to £199k with a slight increase to £202k in the subsequent three years. The total amount increased slightly to £207k in 2022-23 to take into consideration increases in staffing costs. The request for funding was reduced in 2023-24 to £136k for the Primary phase, plus £23,000 for the Secondary phase should they decide to continue their UFT funding. In total, funding allocated was £159,000. As stated above, in light of MAT contributions, the per pupil cost is reduced for maintained schools

The proposal is to request funding for 2024-25 of £159,000 to include both the Primary and Secondary phases as detailed above based on current pupil numbers in each one. This would remain consistent with the level of funding requested in 2023-24.

**What will be the benefits to schools in Schools Forum agreeing this proposal?
(Please give any details of previous proposals of a similar nature or specific details of requirements such as staffing and services)**

- The benefit to Primary and Secondary schools of agreeing to de-delegate funding is that it will enable a single central arrangement to be administered by the LA on behalf of all contributing, maintained schools in Sandwell. Otherwise individual schools will have to arrange and fund their own negotiations, whilst staff will not have recourse to local officials.
- Local officials have local knowledge and are available quickly. The current 'local officials and a central arrangement' provides a mechanism for resolving issues at a local level that could otherwise escalate.
- Local Union Officials play a key role in updating key policies and guidance documentation through Joint Union Panel meetings (JUP), Central Health and Safety Committee meetings and side panel meetings
- Facilities funding also ensures local casework can involve a local rep, who, unlike regional reps, will usually be available at short notice and have good local knowledge. This frequently enables issues to be resolved more quickly and effectively.
- Trade union duties that might be undertaken on behalf of members include:
 - Disciplinary/grievance hearings
 - Formal capability meetings
 - Sickness absence meetings
 - Terms and conditions of employment
 - Investigations
 - Termination of employment
 - Suspension of employment
 - Consultation relating to TUPE
 - Section 188 redundancy notices
 - Investigating members' complaints regarding health, safety or welfare at work
 - Making representations to the employer on the above
 - Representing members in workplace consultations on Health & Safety
 - Attending safety committee meetings
 - Facilitating settlement agreements

**What will be the impact if School Forum agree to purchase the statutory element of the service only?
(Please give details on the total cost for the year, cost per pupil for each phase, service delivered)**

- The statutory aspect of this policy relates to the facilities time that union representatives are entitled to. Please see below for impact if forum do not agree to the proposal.

What will be the impact if Schools Forum do not agree to this proposal?

- Facilities funding enables the local authority to negotiate directly with trades unions on behalf of all maintained schools. This means individual schools do not have to spend time being involved in a similar process on their own. As a result, this saves both, significant time and money, allowing more to be achieved in the long run.
- The impact would be that LA maintained schools where the governing body is the employer – Trust and Voluntary Aided schools - have sole responsibility for providing “reasonable” union facilities time but may choose to exercise this through participation in a centrally-run system.
- For Community and Voluntary Controlled schools, funding and employer powers rest with governing bodies whilst the LA remains ‘employer of last resort’ – therefore there is a joint responsibility to ensure “reasonable” facilities time.
- If Schools Forum do not agree to fund a central arrangement, each school would become individually responsible for meeting the legal requirement to give union officials representing their staff reasonable paid time off for their union duties.
- School-level union representatives are not necessarily accredited by their unions to carry out the full range of union duties. If school reps without appropriate accreditation are used to represent members during a dispute this can adversely affect both the member and the school. The union has the responsibility to ensure that the rep is correctly accredited or they leave themselves vulnerable to being sued by their members for incorrect support and advice.
- The loss of area reps, who have local knowledge of and relationship with both members and school leaders, would push the work onto the regional reps who do not have those relationships or time to provide the service that the current system allows for.
- The LA would still need to maintain a much smaller ‘residual function’ covering Community and VC schools, i.e. a central forum for borough-wide policies so funding for this would have to come from reducing funding for other services, as there is no other alternative funding source.

How will the amount be deployed?

Salaries (£)	100% on salaries	The LA would allocate this funding amongst the unions in accordance with the agreed funding formula
Services (£)		
Schools (£)		

How will expenditure be monitored?

- The salaries and on-costs are maintained in a single cost centre and subject to regular monitoring.

How will impact be evaluated?

- The proposed central arrangement enables employers and those with delegated employer responsibilities to fulfil their legal responsibilities in a simple and cost-effective way.
- The arrangement also enables union officials to perform their essential duties as defined by ACAS.
- An outline of the strategic work undertaken by unions over the past year.

Please detail any income generated by the service?

- None. However, income has been received from a number of Academy MATs and this has been re-invested in the Union Facilities funding allowing for a per pupil reduction in the charge to maintained schools.