

Telford & Wrekin Facilities Arrangements

The provision of Trade Union facilities is a statutory requirement of employers, the legal basis for which is set out in the Trades Union and Labour relations (Consolidation) Act 1992 (TULCRA) and the ACAS Code of Practice on "Time Off for Trade Union Duties and Activities".

Effective partnership working between Telford & Wrekin schools and recognised Trade Unions and Associations have fostered and maintained a positive approach to industrial relations in schools. Consequently, serious, protracted local disputes and potentially expensive tribunals are virtually unheard of in Telford & Wrekin. Partnership working is facilitated through regular meetings of the Teachers' Representatives Panel with Local Authority Officers and is supported by a network of highly trained negotiators and caseworkers working with and advising school based representatives.

The benefits to Telford & Wrekin schools of participating in the local Trade Unions facilities arrangement are:

- Access to all the recognised trade unions that each school would have to deal with for consultation purposes. This would include NASUWT, NEU, NAHT, ASCL, GMB, UNISON and Unite. This represents a cost-effective way for the Academy to fulfil its statutory obligations to consult with recognised trade unions.
- Collective and/or individual member representation issues will be dealt with by local trade union representatives
- Access to policies and procedures negotiated and agreed with the LA.
- The local trade union representatives have the requisite local intelligence and knowledge necessary to support the school and individual members of staff should they require representation. The trade union representative has a vital role to play in working with the employer to achieve the best outcome and resolve issues as locally as possible. This is likely to reduce the risks of litigation and is a benefit that assists schools.
- Effective local union officers can help governors, 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.
- Funding for time off allows trade union representatives to attend meetings during the working week. 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, affecting everyone involved.
- Local trade union representatives are often able to broker early resolution of potentially high-level cases, thereby removing the need to employ regional officers.
- Predictability of costs: Under the Trade Union and Labour Relations Act, employees are entitled to reasonable paid time off in respect of trade union duties. ACAS estimates that employers spend between £10,000 and £15,000 defending an Employment Tribunal case. The risk of such claims is increased where an employer has not attempted to reach agreement with the recognised trade unions. Even if a case does not proceed to a full

hearing, employers incur costs in organising and paying for preparatory legal advice and incur the cost of additional staffing hours dedicated to supporting a claim.

- Whilst paying into the facility time arrangement does not guarantee that the school will not face an ET, it does provide a mechanism for resolving issues at local level that could otherwise be escalated.
- Although the unions employ regional based staff to deal with high level cases, working to resolve issues at the earliest opportunity is always the most beneficial to all parties. This is why supporting paid time off for local trade union reps makes good business sense. There would be no advantage to the employer in waiting for a full-time official to become available every time a low-level negotiation needed to be carried out.

If not participating in the Facilities Arrangement, schools need to be aware of the following:

- School-based representatives can be required to be trained to the same level as current county-level union officials in order to be accredited and indemnified from their respective organisations for casework and in order to be mandated to consult and negotiate on pay and conditions of service matters. This can be up to 10 days per year, per recognised Trade Union.
- School-based representatives would be required to attend regular update training, requiring time-off.
- School-based representatives are entitled to reasonable paid time off to carry out their duties.
- Although the training is currently provided free of charge, the estimated overall release time costs to an academy for just one fully trained representative from a Trade Union working to the required standard is in the region of £2,500 to £3,000 per annum. This estimate excludes any time a school representative would need to meet with County or Regional Officials and Health and Safety training or refresher courses.
- To illustrate this, for the NASUWT rep alone this would involve the school representative attending, as a minimum, stages 1, 2, and 3 reps training and stages 1, 2, and 3 casework training, in addition to attending employment law and casework update sessions to maintain their NASUWT accredited caseworker status.
- If appropriately trained school-based representatives are not available:
 - Case work would need to be managed by regional officials. Regional officials do not have local knowledge nor local working relationships. Such knowledge and relationships can often be helpful in managing a case to a successful resolution. It should also be noted that the involvement of a full-time regional officer prematurely can have the effect of escalating the situation in an unhelpful way.
 - The resolution of low-level issues requiring negotiation is likely to be prolonged due to the need to wait for availability of a regional officer.
 - Regional officials cover the whole of the West Midlands region and their availability will be limited. There may be delays in holding hearings and meetings.

Cost

The cost of participating in the facilities arrangement for 2019-2020 is based on a per-pupil cost of £1.60 pa, based on the October census figure for 2018. The actual cost per each individual school / MAT is available from Tim Davis.

The de-delegation arrangements 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.

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.

FAQ

We previously bought in to facilities arrangements, but we received the same support as schools that did not pay in, therefore we withdrew from the arrangement.

There should be a clear distinction for schools that pay in to the facilities arrangement.

However, it must be clearly stated that NO Trade Union member will be disadvantaged by the choice of their employer to not contribute to the local facilities arrangement.

Therefore, on top of the benefits outlined earlier, schools that pay in can expect...

- Local caseworker support at the earliest convenience
- Meetings held in school time, during the school day
- Local caseworkers typically have local knowledge and importantly all are teachers employed in a local school. They understand how schools work, the dynamics of school relationships and the pressures schools are under. They are able to see the big picture and both sides of a situation.

For schools that don't pay...

- Meetings will have to be scheduled outside of school hours at the convenience of the local caseworker who, if available, will attend.
- If a local caseworker is unavailable, Regional Officials will attend meetings outside of the school day. Regional Officials cover the whole of the West Midlands and their availability is dependent upon several factors, accordingly, any meeting may well be delayed.
- Regional Officials are highly trained legal representatives. They are not local. They are not teachers. They are solely focused on the interpretation of Employment Law as it relates to the casework in question.

The Trade Unions can categorically state that they will need to make the very clear distinctions (as identified above) between the support they offer schools that pay in to the local facilities arrangements versus the schools that do not.