

Dear Colleagues

I hope that this letter finds you safe and well in these difficult times and I would like to invite you to work in partnership with the teaching trade unions (NASUWT/NEU) for the academic year 2021/2022.

The effective partnership between the Telford and Wrekin schools and Trade Unions has never been more important and we hope we can count on your support to make this long-lasting, constructive and in the interests of us all. By working closely together, we can foster and maintain a positive approach to industrial relations in schools and avoid serious protracted local disputes and potentially expensive tribunals. The history in Telford and Wrekin speaks for itself as so far these have been virtually unheard of. Many of our schools found it particularly useful to engage with the unions during the pandemic and we envisage there is a possibility of continuing issues here.

Partnership working in Telford and Wrekin 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 who work with and advise school-based representatives.

Telford & Wrekin, Schools Forum no longer de-delegate funds for union facility time leaving a gap in funding as our unions' own funds only cover full time regional representatives based in the West Midlands Offices. We are therefore writing this letter, on behalf of the teaching unions, to ask you to agree to allocate a small amount of funds to support union facility time. 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

The contribution is £1.55 per pupil based on October 2019 pupil numbers which will enable local union representatives to have **release time to carry out trade union duties**. As an illustration, this would mean a contribution of £325.50 from a school with 210 pupils, or £1,395 from a school with 900 pupils. The actual cost for your school is available from the **HR Business Partnership Team**. If you decide not to contribute to this group fund can you confirm how you will meet this legal requirement and what alternative you will use.

What are the facility funds used for ?

They will be allocated to employing schools of NASUWT /NEU reps for **paid time off for Trade Union Duties** (*see list*)

- Meeting with and accompanying members to absence management, disciplinary, grievance or capability hearings. This will involve preparing relevant documentation and research into employment law
- Provision of advocacy in meetings
- Travel of caseworker to meetings (where required)
- Communication and consultation with members and head teachers with the aim of working towards good industrial relations. This is especially useful where communication and relationships have become strained.
- Attendance at school meetings on proposed organisational or policy changes and to help to resolve any issues and to communicate ideas and viewpoints from staff
- Attendance at school's forum and LA school policy meetings
- Collective bargaining and policy making as defined in section 178 (2) of the Trade Union and Labour Relations (consolidation) Act 1992.
- For union learning representatives to carry out relevant activities and for Health and Safety representatives to carry out health and safety functions.

These provisions are also contained within the Safety Representatives and Safety Committees Regulations 1997.

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

- Local caseworker support at the earliest convenience who will deal with collective and/or individual member representation issues. The **local trade union representatives** who have the requisite **local intelligence and knowledge** to support schools and members.

- Attendance at meetings such as disciplinary, grievance, absence management, capability procedure and policy consultation by local trade union representatives during **the working week**. Without this, meetings will be more difficult to arrange, affecting everyone involved. There would be no advantage for an employer to wait for a full-time regional official to become available every time a low-level negotiation was needed
- Communication with the school and local authority HR officers with the aim of **brokering early resolution** of potentially high-level cases usually dealt with by union regional officers reducing the risks of litigation
- Assistance to governors, school leaders and union members to understand the impact of organisational changes and help to resolve reorganisation issues and communicating ideas and feedback from staff. This should help to minimise any negative impact of such changes on schools.
- Access to policies and procedures negotiated and agreed with the LA.
- **Predictability of costs:** ACAS estimates that employers can spend £10,000-£15,000 defending an Employment Tribunal case. The risk of such claims is increased where employers have not attempted to reach agreement with 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 additional staffing hours to support a claim. Whilst paying into the facility time arrangement does not guarantee that the school will **not** face an Employment Tribunal, it does provide a mechanism for resolving issues at local level that could otherwise be escalated.
- As part of the facilities arrangement, we the unions undertake to make sure our local officers and school reps are trained and supported.

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

- Meetings will have to be scheduled **outside of school hours** at the convenience of the local caseworker who, if available, will attend. With this arrangement, there is likely to be a significant delay of several weeks which means matters could escalate and would then need the involvement of a regional official. In addition, the involvement of a full-time regional officer prematurely could have the effect of escalating *any* situation.
- **Regional officials** may not have local knowledge nor local working relationships with schools. They are highly trained legal representatives, but they are **not local** and are **not teachers**. They may be solely focused on the interpretation of Employment Law as it relates to the case in question.
- The resolution of low-level issues requiring negotiation is likely to be **prolonged over several weeks** due to the need to wait for availability of a regional officer who covers the whole of the West Midlands.
 - School-based representatives can be trained to the same level as regional union officials to be accredited and indemnified from their respective organisations for casework which can be up to 10 days per year, per recognised Trade Union. Although the training is currently provided free of charge, the estimated overall release time costs for one fully trained representative working to the required standard (stages 1, 2, and 3 reps training and stages 1, 2, and 3 casework training) is in the region of £2,500 to £3,000 per annum.

There is a **clear distinction** for schools that pay into the facilities arrangement, although no Trade Union member will be disadvantaged by the choice of their employer to not contribute to the local facilities arrangement.

NASUWT has one rep with 1 day of facility time and NEU have two caseworkers with up to 1 day of facility time between them

If you would like to discuss anything in this letter or anything else relating to union facility time please don't hesitate to contact us.

Yours sincerely,

Lisa Disley

Lisa Disley
Telford and Wrekin Association Secretary NASUWT.
Ldisley.NASUWT@outlook.com

Rachael Ganderton,
District secretary NEU Telford
rachael.ganderton@neu.org.uk