



Haringey Council

The Children and Young People's Service

Report to Haringey Schools Forum – Thursday 4th December 2014.

**Agenda Item
6**

Report Status

For information/note
For consultation & views
For decision

Report Title: Trade Union Representation Budget.

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Purpose:

To inform members of recent developments in trade union representation in schools and to propose a course of action to provide for the costs in 2014-15.

Recommendations:

That members endorse the use of surplus capacity in the Growth Fund in meeting the 2014-15 costs for trades union facilities time.

1. Introduction.

- 1.1. In the budget setting for 2014-15 Forum decided not to de-delegate budgets for trade union representation. Issues have arisen from this and from concerns raised by both schools managers and trade unions this subsequently led to a dispute.
- 1.2. Productive talks took place at ACAS Headquarters on Monday 17th November, between Schools Forum and trade union representatives leading to significant agreement on key points of trade union representation and to an agreed protocol (see attached).
- 1.3. As a consequence, the NUT agreed to recommend to members in schools affected by strikes and ballots that these be suspended. This was agreed.
- 1.4. The representatives of the Schools Forum also agreed to recommend to that body a funding arrangement which will, if adopted, bring an end to the dispute with recognised trade unions.
- 1.5. In reaching an agreement a commitment was given to seek the Forum's agreement to fund the trade union facility time for the current SLA, until April 2015 – therefore eliminating the need for schools to sign up to an SLA for the current financial year. The Forum's agreement would also be sought to de-delegate this budget

2. Proposals.

- 2.1. The 2014-15 Dedicated Schools Grant was fully allocated; the centrally retained element included £1.5m for the Growth Fund. The use of this fund will be reported to Schools Forum on 15 January but it will not be fully used. There will therefore be a balance on the centrally retained DSG.
- 2.2. Any underspend in the Growth Fund would normally be rolled forward to the next financial year and allocated through the Schools Funding Formula. However, it is proposed that this balance be used in the first instance to cover trade union representation costs in 2014-15. If Forum members endorse this approach a more detailed report on the funding of trade union representation for 2014-15 together with a proposal to de-delegate the funding for representation in 2015-16 will be brought to the next meeting of the Forum.

AGREED PROTOCOL.

Employment Relations Protocol for Teaching Associations/ Unions and Support staff unions

Introduction

Good employment relations are the cornerstone of managing change and people successfully in any organisation. This protocol sets out the principles for communications and engagement between stakeholders involved in running our schools. The aim is to secure a good education for our children and young people and to provide good working conditions for staff.

This protocol is not designed to replace the industrial relations frameworks and time off agreements that are already in place but they do supplement them.

Principles for engagement

Relevant stakeholders to this protocol recognise that effective employment relations takes place in an atmosphere of mutual respect for the professional expertise and a recognition and understanding of the various responsibilities, of those involved.

It is important for managers to have positive working relationships with employees, based on good communications. It is at this basic level that many issues are raised and resolved informally, without the need to invoke formal procedures. Employee representatives provide an additional channel for employees to communicate with managers, and vice versa.

Employee representatives should improve understanding, lead to better decision making and improve employment relations. Representatives should help to develop trust and cooperation, improve the quality of decisions and encourage employees to feel more responsible for the performance of a school, helping to understand and manage change.

To this end all stakeholders agree that any level of communication and engagement must be conducted in a way that is relevant and necessary, accurate and factual, fair and balanced, and not offensive in any way. Communication and engagement should be conducted using appropriate communication lines and recognise the relevant hierarchies involved before considering escalation of an issue to a different stakeholder.

Stakeholder roles

In adhering to the principles it is important for each stakeholder to this protocol to understand the respective roles and accountabilities that each party plays. More information is provided in the appendix to this protocol but the key roles of head teachers and unions are summarised below.

Trade unions are independent bodies certified by a statutory independent committee. Unions have a number of legal rights under statute/ employment law as follows:

- disclosure of information by the employer for collective bargaining purposes, including hours, pay and benefits information; policies on recruitment, redeployment, training, equalities, appraisal, health & safety; numbers employed by grade, department, location, age; financial cost structures.
- reasonable time off, with pay, for union officials to carry out union duties concerned with negotiations on terms and conditions of employment; engagement, non engagement, termination, suspension of workers; allocation of work or duties; matters of discipline or grievance.
- reasonable time off, with pay, for union reps to undergo training in aspects of industrial relations relevant to carrying out their trade union duties.
- consultation prior to redundancy
- consultation prior to business transfers (TUPE)

Note – the law provides workers with the right to be accompanied at disciplinary related hearings or grievance hearings. The worker may choose a companion or a trade union official to accompany him/her. The worker chooses the companion and the union chooses its officials. The employer has no right to choose who the particular companion or union rep is.

Head teachers have responsibility for managing the school including developing policy, goals and objectives for the adoption by the school governors. Head teachers are also responsible for providing detailed plans, procedures, schedules and specifications for daily operations in the school and actions to be taken by school staff.

Action for Complaints

CONCERNS RAISED BY A HEADTEACHER

Level one – Informal Process

Where the headteacher has a concern over the conduct of a borough level union representative when acting in his or her capacity as a trade union representative, as a first step, the headteacher will meet with that trade union representative to discuss those concerns with a view to reaching a resolution. By agreement, the parties may contact a paid trade union official or an official of the local authority or any other relevant party to assist in reaching a resolution.

Where the headteacher has a concern over the conduct of a school based union representative when acting in his or her capacity as a trade union representative, as a first step, the headteacher will meet with that trade union representative to discuss those concerns with a view to reaching a resolution. That school based representative may choose to be accompanied to the meeting by a trade union colleague.

All meetings will take place as soon as possible.

Level two – Formal Process

Where it has not been possible to reach a resolution under Level One, then as a second step in any process, the headteacher will refer the concern to the Chair of the Schools Forum, Head of HR, Assistant Director Schools and Learning who will consider the merits of the complaint and, if appropriate, refer it to a paid official of the trade union. The official will meet with a designated Governor to reach a formal resolution. That meeting may be attended by the headteacher and elected trade union official. The resolution could include by agreement (but is not limited to):

- (i) mediation, including involvement of an external mediator;
- (ii) a recommendation as to the future conduct of the trade union representative;
- (iii) a recommendation as to the future management of issues arising between the headteacher and the trade union representative;
- (iv) no further action taken.

CONCERNS RAISED BY A TRADE UNION REPRESENTATIVE

Level one – Informal Process

Where a borough level or school based union representative has a concern over the conduct of a headteacher or a governor, which has arisen out of relations with that trade union, then as a first step this will be raised with the headteacher or governor to discuss. By agreement, the parties may contact a

paid trade union official or an official of the local authority or any other relevant party to assist in reaching a resolution.

All meetings will take place as soon as possible.

Level two – Formal Process

Where it has not been possible to reach a resolution under Level One, then as a second step in any process, the trade union representative will refer the concern to the full time official at a regional level, who, if appropriate will liaise with the Chair of the Schools Forum, Head of HR, Assistant Director Schools and Learning who will consider the merits of the complaint and, if appropriate, refer it to a designated governor. The governor will meet with a paid trade union official to reach a formal resolution. That meeting may be attended by the headteacher and the trade union representative. The resolution could include by agreement (but is not limited to):

- (i) mediation, including involvement of an external mediator;
- (ii) a recommendation as to the future conduct of the headteacher;
- (iii) a recommendation as to the future management of issues arising between the trade union representative and the headteacher (or his or her representative);
- (iv) no further action taken.

This protocol will be reviewed in 12 months from 17/11/14.