

Agenda Item

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Report Status

For information/note

For consultation & views

For decision

Report to Haringey Schools Forum – 14 January 2016.

Report Title: Contract for trade union facilities time.

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Purpose:

To present the draft contract for Trade Union Facilities Time for Forum comments and endorsement.

Recommendations

That members:

agree to the de-delegation of £117,039 from the primary and secondary AWPU to provide for authority-wide trades union facility time;

endorse the proposed contract for facilities time for consideration by academy schools in Haringey;

agree to review the formula governing how costs are calculated and the support that is allocated and provided.

1 Background information

1.1 Changes to school funding formula introduced in April 2013 required local authorities (LAs) to delegate funding for trade union facilities time to schools. This can only be de-delegated through formal agreement by school members of the local schools forum on a phase by phase basis, and must be through formula funding (the age weighted pupil unit). De-delegation can only be from maintained schools and **not** academies or free schools.

1.2 Forum agreed to de-delegate facilities time for both the primary and secondary sectors in the current financial year in January 2015. However, no contract for academy schools to purchase a traded service was presented to forum for comment until the December meeting. Subsequent to this, a letter was sent to the head teachers of all academy schools, with a contract attached for their consideration, inviting them to do this.

2 Introduction.

2.1 Forum members asked at the last meeting for a report that contained:

- a per pupil and total cost for facility time for maintained schools;
- a proposed contract for academy schools; and
- comparative per pupil costs in other LAs

2.2 In addition, this report sets out:

- the cost to each school;
- the cost to each academy school buying in; and
- exemplars of cost reductions if a proportion of academy schools do not buy in.

2.3 Attached to the report are the following annexes:

- a table setting out the per pupil cost in 13 London LAs, including Haringey (annex 1);
- tables showing the cost of de-delegated funding to each maintained school and to academy schools buying in to the service (annex 2);
- the draft letter to academy schools (dependent on forum agreeing the de-delegation) – see annex 3;
- the draft contract for facilities time for academies for 2017/18 (annex 4);
- hyperlinks to the DfE guidance document and the ACAS code (annex 5).

3 Report

3.1 The per pupil cost proposed for the 2016/17 financial year is £4.69 per pupil. The table in annex 1 shows the cost per pupil¹ in neighbouring authorities. There was a great variation in allocations – Hackney had the highest allocation (£5.50 per pupil) and Enfield the lowest (£1.93). The mean per pupil was £3.13 (including Haringey’s allocation, but £3.05 excluding Haringey).

3.2 In summary, Haringey’s allocation was 23 per cent lower than the highest, but 219 per cent higher than the lowest allocation, and 35 per cent higher than the mean.

3.3 The table in annex 2 shows the de-delegated cost per pupil for the current year, and the cost of buying in facilities time on a traded basis for academy schools. The cost to a two-form entry primary school is about £2,000; a six-form entry secondary about £4,000.

¹ Derived from DfE statistics that include post 16 and nursery classes. The per pupil amounts are therefore lower than de-delegated sums but useful for comparative purposes.

3.4 The amount generated this year through the de-delegation of AWPU allocations in maintained schools is £117,000, out of a total of £153,000. Thus, almost a quarter of the current total available for facility time should be generated through academy and free schools signing a contract for the provision of support for members of recognised trades unions.

3.5 Should some academy schools decide not to sign the contract offered following forum's December meeting, the shortfall will have to be met by the council. There is no budget for this.

3.6 For the 2016/17 financial year, the assistant director for schools and learning will send out a contract to all academy school head teachers to be considered for agreement through their governance arrangements. The draft letter is included as annex 3 to this report. It makes clear that:

the policy position of the council is that it believes the best way of engaging with its employees is through recognised trades unions. Accordingly, the council provides facilities time for these unions, and encourages other bodies for which it is responsible, but where it is not the decision-maker, to do the same.

3.7 For any academy school that does not want to sign the proposed contract, there will be a commensurate reduction in facility time allocation for the 2016/17 school year. It is unlikely that costs can be reduced by 31 March, and therefore the reduction for that year will be pro-rata. However it is the LA's intention to ensure that from the 2017/18 financial year, the level of commitment amongst academy schools to procure FT support from Haringey TUs is known before the end of the calendar year preceding the financial year in question.

3.8 As a guide, if schools with roughly a quarter of academy school pupils decide to offer facility time themselves, there is an approximate £9,500 reduction in the allocation available. If no academy school chose to sign the proposed contract, the budget would reduce by almost a quarter.

3.9 Finally, as set out in the recommendations on the front page of the report, forum should consider the commissioning of a review of the formula that governs allocations are made and the support that is provided by it. There is no record of a previous review and LA officers' view is that it is timely to do this now.

Annex 1: TU facility time in 13 London LAs, including Haringey (2013/14)

LA area	Primary pupil population	Secondary pupil population	allocation	Total pupils numbers	cost per pupil
Greenwich	69,029	31,202	100,231	32,365	3.10
Hackney	112,140	29,390	141,530	25,747	5.50
Islington	40,942	20,166	61,108	20,551	2.97
Lewisham	76,247	50,831	127,078	35,259	3.60
Southwark	72,662	6,606	79,268	24,322	3.26
Brent	76,587	9,886	86,473	28,849	3.00
Croydon	77,675	18,825	96,500	27,266	3.54
Ealing	95,305	32,895	128,200	43,750	2.93
Enfield	63,674	25,925	89,599	46,436	1.93
Haringey	86,287	30,757	117,044	27,722	4.22
Merton	45,750	15,250	61,000	24,707	2.47
Newham	90,948	39,182	130,130	49,419	2.63
Waltham Forest	46,359	0	46,359	18,079	2.56
			1,264,520	404,471	3.13

Annex 2 - TU facility time - cost by school

Maintained schools de-delegation 2015-16 pp £ **£4.69**

School Name	Phase	NOR	De-del	School Name	Phase	NOR	de-del
Belmont Junior School	p	224	-1,051	St Francis de Sales Catholic I and J	p	352	-1,651
Belmont Infant School	p	173	-811	St Ignatius RC Primary School	p	367	-1,721
Bounds Green Junior School	p	234	-1,097	St Mary's RC Junior School	p	236	-1,107
Bounds Green Infant School	p	202	-947	St Paul's Catholic Primary School	p	202	-947
Campsbourne Junior School	p	215	-1,008	St Mary's RC Infant School	p	179	-840
Campsbourne Infant School	p	173	-811	St Peter In Chains RC Infant School	p	173	-811
Devonshire Hill Primary School	p	417	-1,956	St Francis de Sales Catholic I and J	p	271	-1,271
Earlsmead Primary School	p	444	-2,082	St Martin of Porres RC Primary	p	199	-933
Highgate Primary School	p	382	-1,792	St Gildas' Catholic Junior School	p	238	-1,116
Lancasterian Primary School	p	428	-2,007	St John Vianney Catholic Primary	p	206	-966
Coldfall Primary	p	630	-2,955	Chestnuts Primary School	p	409	-1,918
Tetherdown Primary	p	420	-1,970	North Harringay Primary School	p	405	-1,899
Rokesly Junior	p	342	-1,604	Hornsey Girls School	s	811	-3,804
Rokesly Infant School	p	263	-1,233	Highgate Wood School Arts college	s	1,190	-5,581
South Harringay Junior School	p	242	-1,135	Northumberland Park	s	1,035	-4,854
South Harringay Infant School	p	179	-840	Fortismere School	s	1,203	-5,642
Stamford Hill Primary School	p	194	-910	Gladesmore Community School	s	1,246	-5,844
West Green Primary School	p	200	-938	Park View	s	1,073	-5,032
Tiverton Primary School	p	395	-1,853	Maintained Roll		24,956	-117,039
Coleridge Primary	p	824	-3,865	School Name	Phase	NOR	contract
Welbourne Primary	p	506	-2,373	Harris Primary Academy CP	p	359	-1,684
Lea Valley Primary School	p	420	-1,970	Harris Primary Academy PL	p	403	-1,890
Ferry Lane Primary School	p	195	-915	Noel Park Primary School	p	534	-2,504
Rhodes Avenue Primary	p	542	-2,542	Trinity Primary Academy	p	413	-1,937
Crowland Primary School	p	365	-1,712	Holy Trinity CE Primary School	p	195	-915
Weston Park Primary School	p	268	-1,257	St Paul's & All Hallows Infant	p	172	-807
The Willow Primary School	p	415	-1,946	St Ann's CE Primary School	p	202	-947
Alexandra Primary School	p	322	-1,510	St Michael's CE Primary N22	p	200	-938
Stroud Green Primary	p	340	-1,595	St Paul's and All Hallows CE J	p	221	-1,036
Earlham Primary School	p	393	-1,843	Woodside High School	s	809	-3,794
Lordship Lane Primary School	p	605	-2,837	Alexandra Park School	s	1,098	-5,150
Bruce Grove Primary School	p	411	-1,928	St Thomas More Catholic School	s	677	-3,175
Risley Avenue Primary School	p	623	-2,922	Heartlands High School	s	952	-4,465
Muswell Hill Primary School	p	418	-1,960	Eden Primary	p	138	-645
Seven Sisters Primary School	p	423	-1,984	Brook House Primary School	p	183	-858
St Aidan's VC Primary	p	202	-947	Tottenham UTC	s	66	-310
The Mulberry Primary	p	619	-2,903	Greig City Academy	s	863	-4,047
St Michael's Primary - N6	p	413	-1,937	Harris Academy Tottenham	AT	169	-790
St Mary's CE Primary	p	457	-2,143	Academy Roll		7,653	-35,893
Our Lady of Muswell Catholic Primary	p	412	-1,932	Total Roll TU allocation		32,609	-152,932

Annex 3: draft letter to academy school heads – proposed FT contract

To: head teachers of all academy schools in Haringey date: 15 January 2016
our ref: AHT FT 2
Your ref: -

Proposed contract for academy schools and trades unions to fund facilities time

I am writing to you following schools forum's meeting yesterday. I am pleased to say that forum members endorsed a proposed contract for the provision of trades union representation for employees who work in academy schools, which I am sending along with this letter.

As you are doubtless aware, the financial resource for facilities time is held within schools' delegated budgets. It is a matter for forum to determine whether this resource should be de-delegated from maintained schools, and the level of funding available to the recognised trades unions. However, each academy school must make its own decision about how it wants to provide facilities time to recognised trades unions.

The invitation to sign the contract is at the same per pupil cost – £4.69 – that applies to maintained schools. Please note paragraph x.x of the report, which states that academies that decide to use the service at a later date will be charged at a different (higher) rate, in recognition of additional costs resulting from additional demand.

The policy position of the council is that it believes the best way of engaging with its employees is through recognised trades unions. Accordingly, the council provides facilities time for these unions, and encourages other bodies for which it is responsible, but where it is not the decision-maker, to do the same.

The purpose of this letter is to ask if your school wishes to sign the contract for the forthcoming financial year (2016/17). I am mindful that you need to ensure that the decision is made in line with your governance procedures. Please contact Tina Ohagwa (tina.ohagwa@haringey.gov.uk; 020 8489 3641 to inform her a) when you will make the decision and b) your decision when you have made it.

Finally, I apologise for the lateness of this letter. In future years, council officers will contact you early in the autumn term before the following financial year with details of any traded services officer for facilities time. This will enable you to schedule discussion of this matter with your governors if required, and inform the LA of your intentions so that appropriate financial and staffing arrangements are in place in advance of the financial year concerned.

Chris Kiernan

Annex 4: draft contract – between x academy school and Haringey council

1 Description of the service

1.1 The service is provided to academies to pay for the provision of Trades Union representation for employees in their school.

1.2 By entering into the contract:

- Accredited trade union representatives will provide trade union representation for staff on an individual and collective basis for a single charge to the school.
- The school will have access to experienced and skilled representatives who will work with the school to promote good employee relations.

1 The terms governing the contract are as follows:

2.1 The school will recognise Haringey trade union representatives for trade union duties as specified in the relevant legislation and ACAS Codes of Practice including Health & Safety duties.

The trades unions concerned are as follows:

Teaching	Support Staff
NUT	Unison
NASUWT	GMB
NAHT	Unite
ASCL	
ATL	

2.2 Trade union representatives will focus the use of their time, where possible, on statutory consultation and representation requirements that benefit both the employer and unions.

3 Agreed protocols

3.1 From time to time the school / local authority and trades unions may take differing stances on particular issues; the disagreements will be dealt with professionally, focusing on the issue under discussion. An agreed protocol (annex 2) guides practice.

3.2 Accredited trade union representatives will have appropriate access to facilities in order to conduct their duties.

4 Costs

4.1 Those academies and free schools that sign the contract within three weeks of its issue will be charged at the de-delegation rate of £4.69 (based on October 2014 census numbers) for the LA's financial year April 2015 to March 2016 and at the same rate as for maintained schools for the LA's financial year 2016-17.

4.2 Where an academy or free school has not agreed to make the necessary contribution to the central fund, it will be for the academy or free school to make its own arrangements as centrally funded representatives will not be funded by the council to provide these services.

4.3 Academies that decide to use the service at a later date would be charged a different rate reflecting both the actual costs of the service requested but also recognising that at times other than the point of de-delegation additional costs will have to be incurred to meet the additional demand.

5 Arrangements

Full time facilities time arrangements will continue for existing representatives. However, newly elected representatives will not normally be released on a whole time basis for trade

union duties. This will ensure that there is a balance between work and trade union duties and those representatives understand the workplace they are representing.

5.2 In the event that a trade union official granted seconded time off regularly fails to attend meetings or engage with managers or HR staff as required, the seconded time off will be reviewed and may be withdrawn at the discretion of the Council, following discussion with the relevant regional officer;

5.3 Time off arrangements will be reviewed on an annual basis, or more frequently if necessary depending upon available funding, operational experience, etc.

Annex 4 attachment 1: Protocol Concerns raised by a head teacher

Level one – Informal Process

Where the head teacher 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 head teacher 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 head teacher 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 head teacher 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 head teacher 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 head teacher 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 head teacher and the trade union representative;
- (iv) no further action taken.

Concerns raised by a trades unions representative

Level one – informal process

Where a borough level or school based union representative has a concern over the conduct of a head teacher or a governor, which has arisen out of relations with that trade union, then as a first step this will be raised with the head teacher 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 head teacher and the trade union representative. The resolution could include by agreement (but is not limited to):

- (v) mediation, including involvement of an external mediator;
- (vi) a recommendation as to the future conduct of the head teacher;
- (vii) a recommendation as to the future management of issues arising between the trade union representative and the head teacher (or his or her representative);
- (viii) no further action taken.

This protocol will be reviewed in 12 months from [date to be agreed].

Annex 5 – hyperlinks to relevant documents

1 ACAS code of practice

<http://www.acas.org.uk/?articleid=2174>

2 DfE guidance – TU facilities time

<https://www.gov.uk/government/publications/trade-union-facility-time-in-schools>