

NEOST

National Employers'
Organisation
for School Teachers

3 October 2014

Lead Members in England

CC. Directors of Children's Services in England

CC. Members of the National Employers' Organisation for School Teachers

CC. Regional Directors

Dear Colleague,

As a result of a reform of school funding arrangements in 2012, services within the schools block and the funding for them is now delegated to schools in the first instance. However, within the delegated areas of spend there are some areas that can be retained centrally by the local authority, should the Schools Forum choose this option, thus enabling schools to 'de-delegate' the funds. One of these areas is staff costs or supply cover, which includes trade union facilities time. So while the funding change has provided a challenge to local authority pooled funding arrangements for facilities time this can be overcome where schools choose to de-delegate.

A further challenge to such pooled arrangements has come about as a result of the increasing number of schools converting to Academy status. Any de-delegation arrangements will not apply to Academies although many authorities allow academies to buy in to the pooled arrangements, and many academies are choosing to do so.

Despite the challenges, the National Employers' Organisation for School Teachers (NEOST) continues to support the principle of a pooled fund for trade union representation. Accordingly, whilst each individual schools forum is entitled to make its own decision whether or not to de-delegate funds or allow academies to buy back in, we are writing to encourage your authority to retain such a centrally-managed fund where possible. In this respect we would like to draw your attention to the following points:

- As result of decisions of individual schools forums the vast majority of local authorities continue to de-delegate funding for trade union facility time. Local authorities have indicated that, despite the different perspectives that management and unions often have, the local representatives make a valuable contribution to resolving employee relations issues (both individual and collective) before positions become entrenched and

resolution becomes more difficult and costly. These benefits are also acknowledged in the DfE guidance¹.

- To support good liaison between employers and trade unions officials, it is important that union representatives are able to exercise their entitlement to reasonable time off under both the Trade Union and Labour Relations (Consolidation) Act 1992² and the ACAS Code of Practice on time off for trade union duties and activities³.
- A form of 'pooled' facilities time fund is an efficient way of organising facility time. The DfE advice acknowledges the efficiency of 'pooled' facility time funds while stressing the need for transparency as to how charges are made and how schools will benefit⁴.
- Responses to an LGA survey of local authorities⁵ indicate that where a significant proportion of academies had chosen not to buy in to the facilities arrangements, this had in some cases led to less effective and efficient ways of arranging and managing facilities time. The LGA encourages authorities to provide academies with the option to buy back into any pooled arrangements for facilities where feasible and has asked Government to ensure that no financial or bureaucratic burdens are put in the way of such arrangements.

No doubt this is an issue that local authorities will wish to keep under review and we will seek to gather local intelligence, both through regional networks and if necessary a further survey of local authorities.

Yours faithfully,



Councillor David Simmonds
Chair, National Employers' Organisation for Schoolteachers

¹ Advice on trade union facilities time (DfE) <https://www.gov.uk/government/publications/trade-union-facility-time-in-schools> (page 6)

² Trade Union and Labour Relations (Consolidation) Act 1992
<http://www.legislation.gov.uk/ukpga/1992/52/contents>

³ ACAS Code of Practice <http://www.acas.org.uk/index.aspx?articleid=2391>

⁴ DfE advice on trade union facility time (page 12)

⁵ Trade union facility time survey (LGA) (page 16)
<http://www.local.gov.uk/documents/10180/12119/Trade+Union+Facilities+Time+Survey+%28PDF%2C%2021+pages%2C%20169KB%29/2585e54d-10fd-42b1-acfb-e70ce8ed2da3>