

SCHOOLS' FUNDING FORUM (SFF)

SUBJECT:	DSG de-delegation –Trade Union Duties
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SUMMARY OF REPORT:

As part of the School Funding Reforms from April 2013, the Local Authority (LA) was required to delegate the Trade Union Duties Budget. The funding forum agreed on 7 December 2012, on behalf of LA Primary and Secondary Schools, to de-delegate their share of this budget for 2013/14. This decision was on the basis that, from April 2014, a mechanism is set up to reimburse only those schools and Academies that contribute to the cost of Trade Union representation. This paper provides an update on that process.

1. Background

- 1.1. The statutory provisions on time off for trade union representatives are contained in sections 168-170 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A) and section 10 Employment Relations Act 1999. The statutory rights provide for:
 - 1.1.1 Paid time off for union representatives to accompany a worker to a disciplinary or grievance hearing
 - 1.1.2 Paid time off for union representatives to carry out trade union duties
 - 1.1.3 Paid time off for union representatives to attend union training
 - 1.1.4 Paid time off for union 'learning reps' to carry out relevant learning activities
- 1.2. Funding to cover activities at 1.1.1 to 1.1.4, that are in respect of a TU representative's employment, was delegated to all schools under Local Management of budgets (LM) in the early 1990s. The only funding that was retained by the LA was to reimburse schools for trade union duties, as at 1.1.1 and 1.1.2 above, carried out by their employees on behalf of their Members in other schools.

2. Delegation

- 2.1. The LA was required to delegate the centrally retained budget to all schools and Academies in April 2013.
- 2.2. In December 2012, the School Funding Forum agreed to de-delegate the funding for schools for 2013/14 on the proviso that a mechanism would be set up by April 2014 to reimburse only those schools or Academies who contributed to a pooled scheme.
- 2.3. It was agreed that an update would be brought back to the Forum in the 2013 summer term.

3. 2013/14 update

- 3.3 On 12 February the LA wrote to all Academies to seek their agreement to participate in a pooled scheme. There was a low response to this despite a further chasing email.
- 3.4 A number of Academies raised queries which were answered. There are only 6 Academies who have confirmed they are willing to buy into the scheme. 73 Academies have not responded at all.
- 3.5 Academies who have said they will not contribute, or have not responded, include several who are currently making significant claims on the budget for the TU representatives they employ. Some are being reimbursed for representatives who have a regular weekly commitment out of school on TU duties for up to 4 days a week.

4. Options for 2014/15

- 4.1 As it's clear that not all Academies will want to buy into a pooled scheme the 4 options are:
 - 4.1.1. Provide a scheme for schools and Academies who want to buy into this
 - 4.1.2. Provide a scheme only for maintained schools who are willing to continue with de-delegation
 - 4.1.3. Allow schools and Academies, who are not contributing, to make claims for time that their employees spend representing TU members in other schools and Academies who do contribute to the scheme.
 - 4.1.4. No pooled scheme is in place
- 4.2 If no scheme were in place, schools and Academies would still need to release representatives for duties as at 1.1 above for which there is no reimbursement. Because there are insufficient TU representatives within each school to represent their members this will make arranging meetings more difficult as regional representatives cannot cover all meetings where employees have a right to be represented. This may result in Trade Unions trying to recruit additional representatives in schools and Academies. Alternatively schools and Academies could arrange reimbursement between themselves to cover release time.
- 4.3 Administration of a scheme where not all schools and Academies are participating will inevitably be more complex. Currently there is no need for schools or Trade Unions to provide details of the schools at which they are undertaking TU duties. A scheme that is optional will necessitate these details being provided and checked against the list of schools that have opted in. Nevertheless, having considered these complexities, it is still feasible to maintain a pooled scheme on this basis.
- 4.4 Depending on what option is taken, the position on schools becoming Academies will need to be clear as to whether they remain in a pooled scheme for the rest of that financial year.

5. Conclusions

- 5.1 Members of the SFF are requested to note progress and are asked to agree what further action they would like to be taken in view of this progress.

