

Local Authority Teaching Union Facilities 2017 Report for Schools' Forum

Overview

LA facilities time allows teaching unions to provide Gloucestershire schools access to effective statutory and collective consultation, bargaining and individual representation from trained and accredited local teaching union officials. Consequently, school leaders and managers also have access to a valuable resource in the resolution of workplace issues and disputes.

This allows LA schools to meet all statutory and procedural entitlements to union representation, which include:

- capability
- grievance
- disciplinaries
- long term absence
- pay and grading appeals
- redundancy and restructuring consultations (all relevant unions)
- equality and discrimination issues (age, sex, race, disability, pregnancy, marriage and civil partnership, religion or belief, sexual orientation, gender reassignment)
- introduction of new or revised policies and procedures
- health and safety issues

It also allows local officers to respond to the large proportion of queries for informal advice from members, via phone and email, which result in issues being dealt with without having to involve the school or without escalation to any formal procedure.

To enable a certified union representative to be available facilities time allows for:

- time off for relevant training
- time to prepare for the meeting
- travel time
- "follow up" time

Elected County representatives

County representatives are trained in current employment law and related matters, have an excellent working knowledge of procedures and have considerable experience in bringing matters to a speedy conclusion, resolving disputes. They also have an understanding of how disputes and employee issues have been resolved in a mutually acceptable way elsewhere in the county. This expertise is supported by high-level regular training arranged and funded by the respective teacher unions (not by facilities funding). They have access to resources and colleagues at regional and national level which provides information and advice on policy and professional matters and on employment relations issues.

What are the implications of not buying this service?

Without this service LA schools would be responsible for meeting all statutory obligations (eg

individual right to representation and legal obligation to consult on redundancies and staff changes) from their own budget. Schools would be taking on responsibility for agreeing, co-ordinating and paying for release time and paid time off for duties and training of their own school based reps.

This release will be in addition to the normal training required by School Representatives and will need to replicate the training undertaken by County representatives to enable those functions to be fulfilled at school level rather than through buy-in to the scheme. This is necessary if the school is to meet its statutory obligations in respect of trade union duties for which money is delegated to schools through the funding formula. The cost of training school reps to this level would, however, be considerably greater than that of the current facilities arrangements so that certain trade union functions and duties can be performed by County representatives.

LA facilities funding pays for the availability of county representatives to respond to schools' issues. All other areas of trade union work and representation are paid for by member subscriptions. With minor variations, this is the same for all recognised teacher unions including the Headteacher associations. Some examples of work paid for by subscriptions are:

- Regional staffing team including regional officials who undertake serious and high level case work (eg NCTL cases, exam malpractice, employment tribunal cases).
- Legal advice and support including solicitor teams
- Campaigning and policy work – locally, regionally and nationally
- National telephone advice line for all members and reps to access Monday – Friday.
- Website advice and resources
- Workplace reps training programme
- Advance training programmes for county representatives
- CPD programmes and courses for members

NUT, NASUWT and ATL Gloucestershire officials receive paid release time from this funding to provide advice, support and representation (a summary of how this time was spent is found in Appendix 1 below). The time is allocated on the basis of the respective membership of each union in the county. We promote and maintain partnership working, best practice and consistency across the County. We work with schools and academies to facilitate early resolution of difficulties to reduce the risk of disputes or legal claims.

County representatives typically spend part of their week teaching and the rest of the week undertaking trade union duties. Their availability may therefore be limited at times. However, all representatives will always reply promptly to enquiries and requests for advice. If a proposed meeting clashes with other commitments, they will offer alternative dates.

We take very seriously the need to provide an effective service. If any school experiences difficulties with the level of service, the school should raise this in the first instance with the relevant County representative. Concerns can also be raised, where necessary, with the relevant union regional office.

Please see Appendix 1 for a report on how facilities funding was spent from April 1st 2016 to 31st March 2017.

APPENDIX 1

How facilities time was spent in 2016-17 by NUT, ATL and NAS

The use of NUT facilities time to support members

Facilities time was used in 2016-17 to release John Pemberthy for 4 days per week to support members. A further one day per week is funded by agreement of all teacher trade unions for the performance of National Executive Duties as described in Appendix III of the conditions of service for school teachers in England and Wales (Burgundy Book).

From April 2016 the NUT has divided union duties between 2 joint Divisional Secretaries. John Pemberthy draws 4 days for supporting members in Gloucestershire and consultation with the LA plus a further 2 days is drawn by Sarah Murphy is the joint Divisional Secretary with responsibility for training and recruitment matters as well as casework as detailed below. Some of the funding for this work is paid for from the funds paid into the account by academies. This is a transitional arrangement as part of succession planning expected to cease by the end of 2017-18 when Sarah Murphy and potentially other officers will take on John's responsibilities and facilities time.

WORK OF THE ASSOCIATION REPRESENTING AND SUPPORTING INDIVIDUAL MEMBERS

As usual, a number of school groups asked me to come in to talk to members about whole school concerns. We were able to work with other unions and the LA to resolve difficult issues without the need for industrial action. In addition, a number of settlement/compromise agreements were completed during the year giving members the chance to put their problems behind them and try to make a new start. The national NUT advice line has dealt with numerous requests for advice and guidance from members in Gloucestershire matters and we have had a large number of referrals from members who need support for more serious issues requiring local support, often extensive.

Casework requiring individual support from the Secretaries:

Capabilities	34
Grievance	5
Whistleblowing	2
Pay & PM Issues	12
Redundancy support	7
Sickness Absence	26
Disciplinary	9
Workload Issues	8
Maternity/Paternity	3
Part-time Issues	5
Allegations	4
Prospective/collective	3

Redundancies

The Joint Divisional Secretaries have been involved in these discussions. Whilst numbers have been higher than last year as a result of the schools funding crisis which has been cited as the reason for redundancies in a number of cases, we have still not seen the large numbers that seem indicated by anecdotal evidence of financial pressures on school budgets. It surely must be only a matter of time!

John Pemberthy, Joint Divisional Secretary, Glos NUT

Facilities Report September 2017:

Sarah Murphy Joint Divisional Secretary Gloucestershire NUT

Since September 2017 I have been in receipt of two 'facilities days' per week. On the remaining days I am a physics and chemistry teacher at Stroud High School. I have taken some of my casework from the NUT advice line (as appears on the spreadsheet provided by John Pemberthy) but also much from members that have contacted me directly.

These queries are resolved by email, telephone or may require a higher level of representation. I have benefitted from 'shadowing' John Pemberthy on several of his pieces of casework. I have appreciated enormously the opportunity to observe him in representation meetings, a flexible working request, three collective grievances and a return to work meeting.

I detail below a sample of the casework that I have completed from those NUT members that have contacted me directly:

- Supporting several part time teachers whose hours had been reduced without their agreement, beyond what was contractually allowed.
- Supporting members in a secondary school in which part time teachers were not in receipt of the same percentage of PPA time as their full time colleagues.
- Advising 'part timers' on their right not to be required to work on their 'days off'.
- Supporting two members through the redundancy process.
- Representing three members through 'capability'; one resulting in a settlement agreement.
- Supporting members in a primary school unhappy over the frequency of 'book looks'.
- Advice to a member on maternity leave.
- Liaising and meeting with Head Teachers to discuss their revised policies (four occasions)
- Supporting member contesting issues around his TLR
- Involved in 'Reshaping Education' consultation at Shire Hall and supporting members over issues of workload.
- Supporting a member concerned over an extension to her 'probationary period' being extended, she considered, due to her being pregnant.

I have, in addition, organised two 'drop in' sessions on Saturday afternoons which have proved very successful in providing support to members.

I hope that this has given a flavour of the breadth of casework that I have been involved in and is by no means a definitive list. I look forward to continuing to support NUT/NEU members in the coming year.

Sarah Murphy
Joint Divisional Secretary Gloucestershire NUT

The use of ATL facilities time to support members

Facilities time was used in 2016-17 to release the Branch Secretary and Caseworker (Andrew Steward) for 2 days per week to support members in Gloucestershire and consultation with the LA.

Casework requiring individual support from the District Secretary and Caseworker:

Capabilities	1
Grievance/poss grievance	5
Pay & PM Issues	13
Redundancy support	7
Sickness Absence	9
Disciplinary / Allegations	3
Workload / contractual Issues	13
NQT	1

The Caseworker was also involved in 16 consultations (redundancy / policy...).

I have also served as the Trade Union Representative on the Schools Forum.

Andrew Steward, Branch Secretary and Caseworker, ATL Gloucestershire

NASUWT Report: how facilities time has benefitted members in 2016-17

The Gloucestershire County Secretary and Local Association Secretary for Cheltenham and Cotswold, Tony Chong, is an Accredited Caseworker with two days a week of Facilities Funding.

Nature of work: The face and voice of NASUWT in Gloucestershire, providing a point of contact for members - regardless of their setting - concerning every aspect of their present and possible future pay and working conditions as qualified professionals.

The benefits of the role to members:

For members the benefits are many but crucially it is having an easily contactable local point of contact with a person who has an in-depth understanding and knowledge of the Gloucestershire Education landscape and is able to access the expertise and knowledge of a national professional organisation for teachers.

Individual cases:

During the period 1st April 2016 to 31st March 2017 some sixty individual member cases [an increase of almost 20%] were supported and they were from across educational settings.

The following list indicates the type of educational institutions members worked.

Secondary	26	Independent Schools	3
Primary	18	Special Schools	2
Infant	2	Further Education	3
Gloucestershire LA	6		

The cases ranged from – parental complaints, staff grievances, organisational re-structuring, Directed Time Calendar, Performance Management, change of organisational policies through to implementation of NASUWT’s Action Short of Strike Action.

Additionally, some one hundred and two ‘one off’ member contacts were made.

Collective Cases: Four

Two cases were to do with each school’s internal re-structuring and the possibility of member redundancy.

Two cases concerned specific policies.

General Policy requests: Ten

These have included areas such as: Pay Progression, Performance Management and Competency.

Mr. A. Chong

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On behalf of thousands of workers in education across Gloucestershire, we ask Schools’ Forum to vote for facilities funding to be de-delegated for 2018-19.

ATL, NUT, NAS, September 2017