

Trade Union Facilities Time – Benefit v. Cost Analysis

Repeat of Document IO Appendix 1 presented to the Schools Forum 14 March 2018

Introduction

The School Forum's recent consideration of the funding of schools trade union facilities time was initiated by a communication from BDAT Trust, which was presented in July 2017. The minutes of the Schools Forum meeting 6 December 2017 record that Forum members requested a cost vs. benefit analysis. In allocating the 2018/19 DSG on 10 January 2018, the Forum agreed to continue de-delegation at existing per pupil values pending consideration of this analysis. Members agreed that the purpose of this review is to assess the value delivered by current arrangements rather than the cost per se.

Trade Union Facilities Time

There is a legal obligation (under The Trade Union and Labour Relations (Consolidation) Act 1992) for an employer to provide facilities for recognised trade unions to function within the workplace, including an obligation to grant time off with pay. The recognised unions in schools are:

- Teacher Trade Unions - NUT, NASUWT, ATL, ASCL, NAHT, VOICE, and
- The Trade Unions representing support and other professional school staff – UNISON, GMB and UNITE

To meet this obligation, Bradford Council has agreed to release a number of staff for part or all of their time from their school duties to carry out their duties as elected lay officials. This applies to the recognised trade unions in schools with significant memberships. Historically the agreed ratio for facility time has been 1 day per 400 members, which has been used as a mutually acceptable, in principle, starting point for the joint management and trade union discussions. Current facility time arrangements with respect to school employees provide a total of 7.3 FTE as follows:

- NUT has 2.1 FTE lay officials (10.5 days per week)
- NASUWT has 1.8 FTE lay officials (9 days per week)
- ATL has 1 FTE lay official (5 days per week)
- NAHT has 0.4 FTE lay official (2 days per week)
- UNISON has 1.3 FTE lay officials (6.5 days per week)
- GMB has 0.6 FTE lay officials (3 days per week)
- ASCL has 0.1 FTE lay official (1 day a fortnight)

In addition, in order to comply with the letter and the spirit of the Health and Safety Regulations, Bradford Council and the Trade Union Health and Safety Lay Representatives in Bradford made a Health and Safety Agreement in 1989. Nominated accredited Trade Union and lay Health and Safety representatives continue to carry out Health and Safety inspections in schools, with the aim being to inspect each school once a year, and are released for all or part of their time from their school responsibilities to carry out these duties. Safety Representatives also carry out site management visits in relation to building work and work with the Council's Health and Well Being Team on occupational matters and undertake the role of investigating accidents, disease and other medical matters. A total of 6 days per week (1.2 FTE) of facilities time is currently funded within the DSG for these purposes.

Current DSG arrangements therefore, provide for a total capacity of 8.5 FTE representatives for a total schools / academies population (early years to year 11) of 92,000 and workforce of 13,200 FTE (November 2016). This gives roughly 1 FTE for every 10,800 pupils and 1 FTE for every 1,550 FTE school employees, but noting that not all academies buy into arrangements.

The vast majority of local authorities operate collective arrangements for schools and academies funded within the DSG. Collective arrangements have benefits and efficiencies, including the development and deployment of experienced representatives that work across a number of employers. It should be noted however, that there is an alternative and individual schools and academies can develop effective arrangements with unions outside of a collective framework, with the cost of these arrangements (in covering time off for nominated staff) being managed within the school's or academy's delegated budget. Relying on release at school level is likely to increase aggregate costs because representational work on employment matters requires training and more staff would have to be trained.

Bradford's Current Spending / Cost

The 2 sources of DSG funding of Bradford's current schools facilities time arrangements are:

- De-delegation from all nursery schools and all maintained primary and secondary schools.
- Trading with high needs providers (PRUs and special schools) and academies that wish to buy into the Council's arrangements. The Council trades at the same per pupil rate as de-delegation.

The charge per pupil in 2017/18 (currently repeated for 2018/19) was £4.56 for the main facilities time and £0.70 for health and safety time; a total of £5.26. This is levied on early years to year 11 pupil numbers. Typically then a 1 FE primary school is charged £1,105; and 8 FE secondary school is charged £6,312.

These charges have remained cash flat for a number of years. The charge for health and safety time was reduced significantly at April 2015 in response to the Forum's request for review and reduction in cost.

Allowing for the conversion of maintained schools during 2017/18, it is forecasted (estimates) that the total of funding for arrangements will be c. £392,000; £247,000 (63%) from de-delegation and £145,000 (37%) from trading. The trading figures are based on 8 maintained high needs providers (89%) and 51 academies (64%) buying into the arrangements. Year on year, the proportion of funding collected through de-delegation reduces and through trading increases as more schools convert to academy status. We expect this trend to continue.

The 3 main variables that affect the cost of arrangements and the position of the budget are:

- The salaries of union representatives, linked to their levels of experience, noting that the same pressure that is currently within school budgets (the requirement to absorb the reduction in the real terms value of funding as salary costs increase) is present here.
- The amount of facilities time provided (the 8.5 FTE).
- The number of high needs providers and academies that buy into the Council's arrangements and the 'economy of scale' factor that this produces.

Comparative / Reference Information

The benchmarking information presented to the October 2017 meeting (Document HZ Appendix 1), which was based on 2017/18 planned budget information, shows how Bradford's spending compares with that in other local authorities where these other authorities show de-delegation spending in their S251 Budget Statements:

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|---------------------------------|----|
| • Bradford's spend per pupil | £5 |
| • Statistical Neighbour average | £4 |
| • Met Districts Average | £4 |
| • National Average | £2 |

This comparison is limited as it does not include the value of spend in authorities that have collective facilities time arrangements financed by trading only.

We would expect the spend per pupil on facilities time to be higher in authorities with higher levels of Additional Educational Needs as the levels of DSG and formula funding per pupil are higher in these authorities and there are more staff employed in schools. It is perhaps unhelpful therefore, to compare the position in Bradford against the national average. A comparison based on % of salaries spend would be more useful. This is difficult to complete due to data availability. However, from 2016 workforce statistics data, published in June 2017, Bradford's total pupil to teacher ratio was 17.2 and teaching assistant to teacher ratio was 0.7. The national averages were 17.6 and 0.6. The averages for the Yorkshire and Humberside region were 18.2 and 0.6. These figures, on a simple level, evidence that Bradford schools employ more staff per pupil.

The DfE's advice published in 2014 and updated in March 2015 stated, "The department's review found that many local authorities and other employers have already reduced spending to approximately 0.1% of the pay bill, and others have made further reductions to 0.05% or less. This should include funding for all trade union representatives based in schools; representing support staff, classroom teachers and school leaders...Whilst recognising the need for flexibility, we believe that employers can reduce spending in line with these amounts and still support effective facility time arrangements in their school(s)."

Bradford's value of de-delegation in 2017/18 as a % of the forecasted spending of maintained nursery, primary and secondary schools on salaries is calculated to be 0.13% (on a pay bill of £181m).

Benefit Data

The funded representatives:

- Give advice to their members on matters relating to their employment.
- Represent or accompany individual members in meetings and hearings – "casework".
- Take part in collective negotiations and discussions with employers.

The main matters the representatives support are:

- Restructures and redundancies – managing changes in the workforce.
- Development and review of school and employer policies.
- Health and Safety – buildings, emergencies, well-being etc.
- Pay – individual issues and collective negotiations.
- Pensions and retirement – advice and individual negotiations.
- Ill health – including absence monitoring, return to work and leaving the profession.
- Capability – support and advice at different stages of the processes including "difficulties" meetings.
- Allegations against staff, including from parents and outside sources.
- Discipline – representation and advice in disciplinary processes including investigations.
- Negotiating exits in a variety of circumstances.
- Career advice and support for teachers who may need to change.
- Changes to staff terms and conditions – collective negotiations.

The current financial and structural landscapes have increased / are increasing the calls on facilities time capacity. Meetings on school or broader employer policies have multiplied with the growth of Multi Academy Trusts (and the growth in the number of individual employers across the District). The representatives are requested to attend an increasing number of consultations on restructures and redundancies as a result of budget pressures as well as recording increasing numbers of requests for representation and negotiation on other matters.

Schools Forum Considerations (Conclusions)

Within the current financial climate, and the amount of re-structuring activity this has created in schools and academies, effective trade union facilities time arrangements are unlikely to be provided going forward where these are funded at lower than the statistical neighbour or met district averages. This would set a contribution 'floor' of £4 per pupil if this was accepted as a starting principle. However, £4 per pupil would mean a reduction of £1.26 per

pupil, which would reduce the cash budget available by an estimated £95,000; this would reduce capacity by an estimated 2 FTE.

The Forum will likely wish to maintain, at the very least, the principle already established that the cost per pupil does not increase above the current £5.26. This principle has been in place across the last 3 years when the reduction in the value of funding in real terms has been c. 5.3%. On current estimates, it is anticipated that the current budget will be required to absorb in the region of a further 10% salaries cost increase over the next 3 years. This is approximately £40,000 in cash terms i.e. where we keep the current contribution at £5.26 per pupil the amount of time provided will need to reduce in order to absorb the increased cost of salaries. In 3 years, effective capacity may need to have reduced by c. 1 FTE purely because of this, unless the cost per capita of the representatives reduces. Reducing the per pupil contribution at the same time as managing this absorption may mean that the actual reduction in capacity is much greater than perhaps initially intended (£95,000 + £40,000 = £135,000 or 3 FTE). Retaining the current cost in this financial climate will naturally drive efficiencies and value for money.

The Schools Forum should carefully consider the cost and value of current arrangements in this context.