**Facilities Funding in Warwickshire – explained**

**The provision of Trade Union facilities is a statutory requirement of employers, the legal basis for which is set out in the Trades Union and Labour relations (Consolidation) Act 1992 (TULCRA) and the ACAS Code of Practice on “Time Off for Trade Union Duties and Activities”.**

**It is important to state that the use of Facility Funds is solely for the provision of Trade Union duties. NO Trade Union activities will be subsidised through this funding arrangement.**

Duties include:

* Time for preparation of casework
* Meeting with the member(s) requiring support
* Communications related to casework
* Advocacy in meetings
* Travel of caseworker to meetings
* Training

Facility Funds will **NOT** be used for:

* Local Association member meetings
* Organising activities

**The cost in Warwickshire for accessing the Facilities Funding arrangements is £2.60 per pupil for maintained schools.**

The cost for Academies is the same £2.60.

The administration is performed by a WCC employee. WCC holds the ‘pot’ of monies in an account, liaises and invoices schools, pays caseworkers, is responsible for FOI requests and Subject Access Requests, makes annual returns to the government on the use and provision of facilities, as well as being accountable to external auditing protocols.

**How are the costs determined?**

This cost is historical and was linked to the then facilities allowance divisible by the number of Warwickshire pupils. It was determined several years ago and has not risen since due to legislation which keeps this cost as a fixed cost. Therefore, despite in the intervening years increases such as teachers pay rises and employer contributions such as NI and Teachers Pension also increasing, the £2.60 per pupil charge has remained as a constant.

**How are the facilities monies shared between the Teaching Unions?**

The monies are divisible through a formula agreed between the Unions. The Unions meet with the County Council regularly throughout the year in a meeting known as Teachers’ Representative Panel. Monies are allocated to each union to facilitate attendance and participation in this forum. Further monies are allocated to enable the forum to operate effectively as a Chair and Recorder are required. The remaining monies (the vast majority of) is then divided equitably between the Unions based on their declared membership figures in Warwickshire in accordance with the Trade Union Act of 2016.

**What does the TRP meeting involve?**

TRP discusses contemporaneous issues affecting education in Warwickshire, for example, the impact of Brexit on Warwickshire Schools or issues surrounding the protests in Birmingham schools concerning PSHE lessons about Relationships and naturally in more recent times, the pandemic.

TRP also discusses many more issues, with a section about Hot Spots – schools where concerns have been raised, either through casework or intelligence, Health & Safety issues, Warwickshire policies and much more.

The remit of TRP is that questions are put to the Officers and County Councillors with an Education Portfolio, as the remit of TRP is to work alongside the LA, but also to scrutinise the LA as the ‘champion of the learner’.

Members of TRP also sit on Schools Forum and the Education Overview and Scrutiny Committee.

**Who are the recognised leads for the Teaching Unions in Warwickshire?**

**(up to date as of September 2020)**

Seán Taylor NASUWT seantaylornasuwt@outlook.com

Gilly Henshaw NEU Gilly.Henshaw@neu.org.uk

Peter Kent ASCL peter.kent@ascl.org.uk

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**If I choose to pay in to the facilities arrangement, how much will it cost my school?**

The cost per school is dependent upon how many pupils (4-18) are enrolled at your school multiplied by £2.60.

If you are a maintained school, these monies are de-delegated and this means that this is taken from source by WCC.

If you are an Academy, the same £2.60 cost applies.

**Are there any additional benefits to buying in to the Facilities arrangement?**

All schools that pay into the Facilities Arrangement automatically get free access to the range of school policies as written by WCC. These policies have the benefit of being collectively negotiated with the Trade Unions, so schools can be assured they are working with Trade Union compliant policies.

**Surely all Trade Union members must receive support from their Trade Union when they require it, that’s what their membership subscriptions are for. So why should I pay these monies?**

The provision of Trade Union facilities is a statutory requirement of employers, the legal basis for which is set out in the Trades Union and Labour relations (Consolidation) Act 1992 (TULCRA) and the ACAS Code of Practice on “Time Off for Trade Union Duties and Activities”.

It must be clearly stated that NO Trade Union member will be disadvantaged by the choice of their employer to not contribute to the local facilities arrangement. However, employers should realise that when working through their policies, there are several incidences whereby Trade Union representation is a statutory element. Similarly, policies must be consulted upon.

**There should and will be a clear distinction for schools that pay in to the facilities arrangement when compared to the schools that elect to not contribute. Accordingly, please refer to the table below to understand the key differences in what this means in practice.**

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| **Schools that pay in to Facilities** | **Schools that don’t pay in to Facilities** |
| Access to all the recognised trade unions that each school would have to deal with for consultation purposes. | Policies would need to be negotiated with each recognised trade union. |
| Collective and/or individual member representation issues will be dealt with by local trade union representatives. | Regional Officers will deal with these issues. |
| Access to policies and procedures negotiated and agreed with the LA. | Schools would be responsible for funding their own policies. |
| Funding for time off allows trade union representatives to attend meetings during the working week. This means that meetings such as disciplinary, grievance, ill health and capability meetings - formal or informal - and consultation meetings on changes to working arrangements would be relatively straightforward to arrange, allowing speedy progress to be made. | Meetings would have to be scheduled according to the availability of union representatives. It is more likely this work would have to be done by Regional Officers who cover the entire West Midlands and who have limited availability. This would undoubtedly slow processes down significantly. |
| Local trade union representatives are often able to broker early resolution of potentially high-level cases, thereby removing the need to employ regional officers. | When issues are not sorted out informally or at an early stage they typically lead to further problems and further costs. |
| Whilst paying into the facility time arrangement does not guarantee that the school will not face an Employment Tribunal, it does provide a mechanism for resolving issues at local level that could otherwise be escalated. | ACAS estimates that employers spend between £10,000 and £15,000 defending an Employment Tribunal case. The risk of such claims is increased where an employer has not attempted to reach agreement with the recognised trade unions. Even if a case does not proceed to a full hearing, employers incur costs in organising and paying for preparatory legal advice and incur the cost of additional staffing hours dedicated to supporting a claim. |
| Although the unions employ regional based staff to deal with high level cases, working to resolve issues at the earliest opportunity is always the most beneficial to all parties. This is why supporting paid time off for local trade union reps makes good business sense. | There would be no advantage to the employer in waiting for a full-time official to become available every time a low-level negotiation needed to be carried out. |

If not participating in the Facilities Arrangement, schools need to be aware of the following:

* School-based representatives can be required to be trained to the same level as current county-level union officials in order to be accredited and indemnified from their respective organisations for casework and in order to be mandated to consult and negotiate on pay and conditions of service matters. This can be up to 10 days per year, per recognised Trade Union.
* School-based representatives would be required to attend regular update training, requiring time-off.
* School-based representatives are entitled to reasonable paid time off to carry out their duties.
* Although the training is currently provided free of charge, the estimated overall release time costs to an academy for just one fully trained representative from a Trade Union working to the required standard is in the region of £2,500 to £3,000 per annum. This estimate excludes any time a school representative would need to meet with County or Regional Officials and Health and Safety training or refresher courses.
* To illustrate this, for the NASUWT rep alone this would involve the school representative attending, as a minimum, stages 1, 2, and 3 reps training and stages 1, 2, and 3 casework training, in addition to attending employment law and casework update sessions to maintain their NASUWT accredited caseworker status.
* If appropriately trained school-based representatives are not available, casework would need to be managed by Regional Officials. Regional Officials do not have local knowledge nor local working relationships. Such knowledge and relationships can often be helpful in managing a case to a successful resolution. It should also be noted that the involvement of a full-time Regional Officer prematurely can have the effect of escalating the situation in an unhelpful way. Furthermore, the resolution of low-level issues requiring negotiation is likely to be prolonged due to the need to wait for availability of a Regional Officer.
* Regional Officials are highly trained legal representatives. They are not local. They are not teachers. They are solely focused on the interpretation of Employment Law as it relates to the casework in question.

For further information about the Facilities Arrangements in Warwickshire, please contact any of the recognised Trade Union leads as detailed in this document.