

Education Unions: Facility Time Report

Report being considered by: Schools Forum on 20th June 2022

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Item for: Information **By:** All Forum Members

1. Purpose of the Report

1.1 To inform members about the activities of the teaching trade unions

2. Recommendation

2.1 That Schools' Forum note the report

Will the recommendation require the matter to be referred to the Council or the Executive for final determination?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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3. Introduction/Background

3.1

This year has continued to pose many challenges. Whilst the contact from members and the issues they have experienced pre-covid continue at similar volume, the impact of covid on the education sector has added to the pre-existing issues and increased the level of case work considerably.

Trade union membership in the sector has increased significantly, and therefore so too has the level of casework. The work of a trade union is not confined to collective issues or individual difficulties alone. Good relationships between the unions and employers are shown to ease relationships between the school and staff and help ensure orderly transitions with regards to policies and in many cases allow issues and concerns to be dealt with before formal processes are necessary. This has taken a large amount of facilities time and continues to highlight its importance

The teaching unions enjoy a constructive and positive relationship with the LA and representatives have appreciated the constructive manner in which employers have engaged with our advice and our members. The unions are grateful to the LA particularly through this difficult period for their support via KIT meetings and have noted that, in comparison to difficulties experienced by some of our union colleagues in other authorities, staff have felt well supported through Risk Assessments and advice disseminated to schools from the LA's Health and Safety Executive.

Adequate time off for training to ensure the smooth running of operations and to assist members both collectively and individually is essential. It is important to point out that where facilities time is not used on collective and individual issues, this is reflective of time spent on building positive relations between our members and their employers. Employers where facilities time is lacking have found that it can be more time consuming and costly in dealing with member concerns and issues.

3.2 Individual Issues

Union officers continue to spend most of the facilities time dealing with members individually. There has been a large increase in the numbers of members contacting us about sickness absence management as a result of covid/long covid, the stress caused by covid and the combination of these factors on workload, especially when there is such a great emphasis on helping students to catch up. Teachers in West Berkshire schools are able to contact their union representative directly by email or telephone but there is increasing use of online platforms for both meetings and briefings. Local representatives have taken a lead role on behalf of unions in ensuring members are well informed on both union advice and employer's initiatives. Referrals to union representatives continue to be dealt with, as much as possible, on an informal basis in order to prevent escalation to more formal and time consuming interventions. This is testament to the hard work unions and the LA have put in together in ensuring that good communication takes place between employers and members before formal processes are triggered. This can be equally as time consuming for a union officer but certainly aids more harmonious industrial relations. Some of our work is received from members once they have received formal notification of capability; disciplinary; grievance; or consultation on change to contracts, pay and conditions including redundancy but in many cases these members have not engaged fully with us previously and usually haven't engaged with the employer, clearly pointing to the fact that full engagement at an early process improves relations between all parties.

During informal contact we give advice on how the member can try to resolve the matter for themselves. This is often successful, where local officers know schools and heads well we are able to advise teacher members how they can deal with a problem informally.

It is worth noting that rep coverage in West Berkshire is about 25%. This means that only a quarter of schools have a member of staff who is willing to act as a representative for the union. Union officials would encourage head teachers to try and make sure that there is at least one union representative for each of the unions in their school. It is often a good thing if two members agree to share the role. It means that there is an in situ rep who can accompany members to meetings (being accompanied is a legal entitlement for many of the issues that emerge) at much shorter notice. This in turn means that there need not be a wait for local branch secretaries to accompany members unless the issue is more complex and needs to be escalated. Many members feel that if they volunteer to become a union rep they are perceived as being in an adversarial relationship with the leadership, but this is far from the truth in the experience of union officials in West Berkshire. We see that schools with an active and supportive rep have far fewer issues than where none exists. Heads, for the most part, see having a union rep as a positive thing, if for no other reason than it can often help expedite meetings far more efficiently. Where there is no rep and the school does not contribute to facility time, meetings can only be conducted with branch secretaries outside school working hours and inevitably postponements are required. Regional, paid representatives can be called upon, but they are extremely busy, cover large areas and this leads to even longer delays when it is always best for both employers and employees to have matters dealt with as promptly as possible.

3.2.1 Capability

Informal processes often negate the need for an escalation to full capability. However, processes for supporting colleagues through the informal part of performance management have been clearly strengthened with fewer instances of cases reaching any

formal action. There has, however, been an increase in the number of settlement agreements which obviate the need for formal processes.

Appraisal systems continue to be used well. Teachers are entitled to be supported by a trade union representative throughout this 'support through appraisal' process. As suggested above, where employers engage with the union during this process return to work or moving colleagues on is a much smoother process.

3.2.2 Appraisal

Constructive appraisal is vital for our members to know exactly where they stand with regard to their CPD needs; here this is provided and policy is well negotiated, we find our time is spent more on working with employers to review policy and process rather than firefighting capability or disciplinary issues. We do find that members have often not been given clear notice of problems at the mid-way appraisal point. This is embedded in policy and makes issues with appraisal only being raised towards the end of the cycle problematic.

3.2.3 Disciplinary

As with other processes, where disciplinary matters have arisen, thorough investigation and good communication between all parties has been maintained. Cases in the last year have often resulted in a first warning rather than final warning letter, and this is a positive development.

3.2.4 Contracts, Pay and Conditions

In September, members usually become more aware of their pay, and usually sees a high volume of member contact. We have supported members to maintain constructive conversations on this and in most cases have avoided resorting to formal appeal. A common feature of these discussions revolves around teachers not crossing the threshold onto, or within the UPS pay range. Given the cost of living crisis, the probable below inflation and therefore real term pay cut of only 5% for experienced teachers over 2 years, it is to be hoped that this will not be an ongoing issue.

3.2.5 Grievance

Unfortunately, there has been an increase in the number of grievances that have been lodged by members in the last year. Union officials always endeavour to encourage members to use informal mechanisms before they escalate to formal grievance as they are time consuming and normally result in less than satisfactory outcomes for both parties.

3.2.6 Settlements

Where the relationship between an employer and an employee has broken down beyond repair, we are seeing an increasing amount of settlement agreements being arrived at. These may not be fully realised formal agreements, although these have been negotiated this year, but are often early release from contractual employment dates and/or gardening leave.

3.3 Collective issues

The main collective issue was the triggering of article 44 in January 2021 in relation to COVID. There have not been any since, but the teaching unions are campaigning for better pay from September to make up for historically low increases in the last dozen years. This will undoubtedly be an issue over the next 2 years, especially in the current climate.

3.4 LA Policies and guidance

We have continued to work within LA guidance and have engaged fully in conversations with the LA on any changes to this, we have ensured that guidance is adhered to, which has positively been the case between all parties.

Given the COVID hiatus, there are a considerable number of policies which are up for review. At the most recent ECM meeting, prioritising which documents are the most urgent was discussed and a strategy for dealing with them, possibly with extra numerary meetings was agreed. Reading, re-drafting and improving policies and model guidance takes up a considerable amount of facility time.

4 Funding 2021-2022

Union	Total for Year 21/22	Approx. No of days
NEU*	£37,187.54	71 each
NAHT	£4,031.70	11
ASCL	£3,310.93	8

Union	Proportion for April-Aug	Proportion for Sept-March	Total for Year 21/22	No of days
NEU	£12,799.16	£26,895.78	£39,694.94	143
NAHT	£1,501.82	£2,793.08	£4,294.90	11
ASCL	£1,256.22	£2,269.11	£3,525.33	8
Totals	£23,250.04	£31,957.98	£55,208.02	

5 Consultation and Engagement

Secretaries of the recognised teacher trade unions (Association of Teachers and Lecturers, Association of School and College Leaders, National Association of Headteachers, National Association of Schoolmasters Union of Women Teachers, National Union of Teachers)