

# Education Unions: Facility Time Report

**Report being considered by:** Schools Forum on 19<sup>th</sup> June 2023

**Report Author:** Richard Hand

**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

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

## 3. Introduction/Background

3.1

The context for this year's report is framed by the ongoing dispute regarding pay and conditions for teachers and support staff. Whilst this may not initially be perceived as directly relevant to how facility time is used, the dispute highlights many issues which have led to an increase in particular types of case work and a decline in others.

Funding for schools in real terms is still below the levels of 2010, and even with the £2 billion promised by the government over the next two years, the Institute for Fiscal Studies still calculates that funding will not now be back to the equivalent 2010 levels until 24/25. The proportion of GDP spent on schools is at its lowest levels since 1988. Whilst the 'cash' figure of how much is spent on education is at its highest level ever, this figure is meaningless unless contextualized. Recent figures from DfE also highlight that we have more teachers than ever before. However, although there has been an increase of 6% in teacher numbers, at the same time, since 2010, pupil numbers have increased by 11%

Given the largest proportion of school funding goes on staff wages (about 80% of budget), the 5% rise in September 2022, which was unfunded, has put immense pressure on schools' budgets. According to OECD figures, we now have the largest class sizes in Europe and the youngest average age of teachers at 39 years old. This is much lower than equivalent European countries and is explained by the fact that, as the NFER recently stated, the teaching profession is 'haemorrhaging' staff.

We have seen a build up of union work over the last few years which is related to these facts, but it feels like the cumulative effect is really coming to a head now. The industrial action reflects this. Exhausted staff are reaching breaking point and this is leading to an increase in case work related to disciplinary action, grievance, settlement agreements and ill health management.

## 3.2 Individual Issues

As ever, 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 work related stress connected with workload and pupil behaviour. Where there is no rep in school, union members in West Berkshire schools are able to contact their union Branch Secretaries 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 means that many of the issues that emerge are prevented from coming across school leaders' desks because the issue has been resolved at the early stages. It is important to flag this up as preventative work is, by its very nature, unseen if effective. This is also 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.

3.3 Union membership has increased by 15% in West Berkshire for the NEU. Many of these are new joiners or lapsed members. It is also the case that, because the NASUWT did not reach the threshold for strike action in its ballot, many members left and joined the NEU. The majority of teachers in West Berkshire schools are now NEU members. This has also led to an increase in the number of reps. This is to be welcomed as it means that more trained reps are in situ and can deal with issues often without the need to escalate to Branch Secretaries. Often, the secretaries advising the reps on how to deal with issues also means that issues can be dealt with more efficiently. 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**

There has been a decrease in the amount of capability cases we have seen this year. Schools have an informal process which, in the first instance, attempts to support staff so that their performance improves. It may be the case that these processes have improved and have not therefore escalated to formal capability. However, it is probably the case that given the recruitment and retention crisis in schools, staff who are struggling are being retained more than might have been the case a few years ago. It is to be hoped that this is a positive, 'silver lining' as with the correct support, many staff will improve.

### **3.2.2 Appraisal**

We do still 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. It is worth noting that one of the offers that the DfE mooted as part of the rejected pay and conditions offer was that the statutory requirement for performance management would be removed. Currently, academies, MATs etc. already have the power to do this and many have dispensed with performance management and deal with performance issues via capability. This is to be welcomed and hopefully will form part of future negotiations which also relate to Ofsted. Much of what drives appraisal in schools relates to what it is perceived Ofsted want to see and the recently much debated inspection regime is quite rightly coming under further scrutiny as a result of the tragic death of Ruth Perry and the subsequent actions of the Head at John Rankin. It is worth noting that the episode at John Rankin generated a significant amount of case work and that Branch Secretaries of both the NAHT and NEU worked very closely with the LA in order to resolve a situation which could have become far more difficult had the experienced representatives involved not been available if there had been no facility time. The excellent working relationship that the unions enjoy with the LA, who should also be commended, was also a key factor in managing this very difficult situation.

### **Disciplinary**

There has been an increase in disciplinary cases this year. Several of these have been as a result of teachers buckling under the pressure of student behaviour, workload and accountability without the commensurate amount of time to deal with said workload. Many reach a breaking point and this triggers actionable behaviour. Whilst this does not excuse some of the actions, it does explain them and sadly, unless things change quite drastically within a short period of time, it is likely that cases will continue to rise.

### **3.2.3 Contracts, Pay and Conditions**

This has already been alluded to. Reaching ballot thresholds for industrial action is not easy given the existing regulation. That the largest union reached this threshold and all the major teaching unions are now jointly re-balloting to extend the strike mandate into the next academic year demonstrates that there is a real strength of feeling amongst a group of workers who are normally quite passive and reluctant to take industrial action. It has been leaked that the STPRB (School Teachers Pay review Body) has recommended a 6.5% pay increase. This is considerably more than the offer of, on average 4.5% (4.2% for experienced staff who make up over 50% of the profession). The DfE currently has the document but, as of today (7.6.23) has still not released it. Given the Education Secretary has set so much store in the recommendations of the independent review body, it is to be

hoped that it will be released soon and agreed. However, unless any pay rise is fully funded for all schools, it will be another real terms cut in school budgets and will thus exacerbate all of the problems which have thus far been outlined as case work for union officials.

### **3.2.4 Grievance**

There have not been as many formal grievances this year. Advising members to try and resolve issues via informal routes has meant that there has been a decline in requests to move to formal grievance. However, it is worth noting that where grievances are lodged, they are again related to work load, accountability and demands that are perceived to have contravened policies or directed time guidance.

### **3.2.5 Settlements**

There has been an increase in the number of settlement agreements negotiated this year. It cannot be definitively explained as relating to any particular circumstances or wider context but may just be an anomaly as was probably the case with grievances last year. Settlements are time consuming and involve negotiation at a local level by Branch Secretaries so that the agreement is mutually recognised as acceptable by both employer and employee. It is only at this stage that the agreement is sent to the legal departments of the unions for ratification and action. Legal departments expect Branch Secretaries to present a document negotiated with the employer that is complete and, whilst they obviously do check it for legal compliance, the majority of the work is undertaken by Secretaries and they really only want to rubber stamp the paper work.

### **3.3.6 Governance**

Where well informed, committed, and well-trained governors support a school, their role is invaluable. However, where governance of this nature does not exist, we have found that casework support can become more complex and time consuming as a result of governors not really understanding, or being well enough trained, to support schools, and specifically heads. The unions, and specifically the heads unions, would be more than happy to be involved with the training of governors and this has been discussed already, at an informal level, with the LA.

## **3.3 Collective issues**

As has been mentioned above, the main collective issue is the ongoing pay dispute which is also linked to Ofsted and its role. In an almost unprecedented move, all of the main teaching unions are urging their members to organise a joint union meeting at their places of work. This means that ASCL (Association of School Leaders), NAHT (National Association of Head teachers), NEU and NAS will come together collectively urging all of their members to vote in the current ballot and vote yes for further action. It is felt that obtaining such a powerful, cross union mandate which includes the leadership unions is the only way that the DfE will return to negotiations on pay, conditions and funding.

## **3.4 LA Policies and guidance**

Rationalising the approach to dealing with policies that need reviewing was discussed at the most recent ECM. It was agreed that key policy documents would be prioritised and that unions would meet separately in order to give them proper scrutiny

#### 4 Funding 2022-2023

Union	Total amount	Approx equivalent number of days of supply
NEU	£45,879.96	164.60
NAHT	£4,735.32	12.50
ASCL	£3,963.17	9.65

#### 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)