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# Education Unions: Facility Time Report

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**Report being considered by:** Schools Forum on 16/6/25

**Report Author:** Richard Hand

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

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## 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

## 3. Introduction/Background

- 3.1 At the time of writing, the STRB report has still not been released. A leak has suggested that there will be a recommendation that there is a pay rise of near to 4%. Considerably higher than the 2.8% the government has recommended of which they are funding only 1.3%.<sup>1</sup> The suggestion from the treasury is that schools will have to pay for the difference from efficiency savings. All of the main unions ASCL, NEU, NAHT, NASUWT have stated that this is not feasible and an unfunded pay rise will lead to redundancies. The NEU will move to a formal strike ballot depending on the government response to the STRB. The NAS has indicated that they will also ballot. In a recent press release, ASCL stated that the situation '*will only be resolved by improving pay, school and college funding, and dialling down the excessive pressures of Ofsted inspections and performance tables*'.<sup>2</sup> The NAHT are taking the government to court over the new Ofsted arrangements.<sup>3</sup>

There is some good news. The recent NAO report stated that the '*DfE has taken positive steps in seeking to understand and increase teacher numbers*'.<sup>4</sup> An article in Schoolsweek crunched the numbers and highlighted that although recruitment targets had been lowered as a result of falling pupil numbers, there were some 'green shoots of recovery' in teacher recruitment. However, it also stated: '*A single year of meeting recruitment targets would not be enough to reverse the cumulative damage from many years of under-recruitment*'.<sup>5</sup>

The NFER report on teacher numbers points out that the number of teachers leaving the profession remains high. One of the measures it urges leaders to consider is that allowing '*teachers to use their PPA time off-site can provide much-needed flexibility while maintaining teaching quality. Clear guidance and trust in staff can help embed this practice effectively*'.<sup>6</sup> Anecdotally, it appears that most

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<sup>1</sup> [DfE evidence to STRB on teacher pay in England | National Education Union](#)

<sup>2</sup> [ASCL - ASCL responds to NAO report on teacher recruitment and retention](#)

<sup>3</sup> [Teaching union NAHT launches legal action against Ofsted - BBC News](#)

<sup>4</sup> [Teacher workforce: secondary and further education - NAO report](#)

<sup>5</sup> [Is teacher recruitment showing 'green shoots' of recovery?](#)

<sup>6</sup> [nfer-classroom-summary-for-schools-teacher-labour-market-in-england-annual-report-2025.pdf](#)

schools in the LA are doing this or plan to do so. It is easier to organise in primary and junior schools and has already been good practice in most schools for some time. Another measure that has helped is the option to remove performance related pay. This is also to be welcomed.

- Spending levels are now back to where they were in 2010 according to the annual IFS report on school finances: *'This has led to 11% real-terms growth in school spending per pupil. This reverses past cuts and takes spending per pupil back to 2010 levels.'*<sup>7</sup> However, it notes that *'schools might struggle to cover their costs without making savings.'*<sup>8</sup> in the light of an unfunded pay increase. And this was based on 2.8% not the rumoured 4%. The NAO's report on wage growth states: *'Annual growth in employees' average earnings for regular earnings (excluding bonuses) was 5.9% and total earnings (including bonuses) was 5.6%.'*<sup>9</sup> If teaching is to compete with other professions, this figure clearly needs to be born in mind.
- SEND spending continues to be an issue and the government are currently stating that a financial plan will be in place by 2026. A recent article in Private Eye helpfully summed up the situation: *'councils have ended up spending even more on independent provision, often delivered by global equity backed profit-making companies, just to fulfil their legal obligations. Costs average £63K pa – almost three times the equivalent in state schools – and can be as high as £144K...this year, LAs will spend £2bn on private SEND...half of all councils fear they will be pushed into bankruptcy...average Ofsted ratings are lower in ind SEND....£3.3 bn shortfall (in spite of extra funding) and will not come near the 44K places needed in the next three years...campaigners...fear a regression to the old 'remedial unit' method of throwing anyone with learning disabilities etc...into chaotic school holding centres'*<sup>10</sup> The IFS notes, *'without substantial reform it will likely become unmanageable for local authorities over the coming years.'*<sup>11</sup>
- Members are increasingly seeing the effects of child poverty in schools. The Joseph Rowntree Foundation paints a bleak picture. Whilst the means testing of winter fuel allowance continues to make headlines about the treatment of pensioners, it is worth noting that pensioners are now the least likely group in society to be in relative poverty. The group most likely to be in poverty is children. ***'Children have consistently had the highest poverty rates, while pensioners, along with working-age adults without children, now have the lowest'***<sup>12</sup>

All of the circumstances outlined above continue to add up to more pressure on schools, school leaders and teachers. As stated in last year's report, these are the main factors that are the root cause of most of the case work that unions deal with.

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<sup>7</sup> [Annual report on education spending in England: 2024–25 | Institute for Fiscal Studies](#)

<sup>8</sup> Ibid

<sup>9</sup> [Average weekly earnings in Great Britain - Office for National Statistics](#)

<sup>10</sup> Hit SEND, Private Eye No 1647, page 41

<sup>11</sup> [Spending on special educational needs in England: something has to change | Institute for Fiscal Studies](#)

<sup>12</sup> [UK Poverty 2025: The essential guide to understanding poverty in the UK | Joseph Rowntree Foundation](#)

## 3.2 Casework

### III Health and Absence Management

Stress related illness continues to be a significant problem amongst members. Having wellbeing groups and committees is to be recommended but can only go so far. Having a robust and helpful stress management policy, keeping accurate records of stress related illness and doing stress risk assessments can all help mitigate the effects of stress. The Health and Safety at Work Act 1999 states that stress is one of the risks that must be assessed and *'where the removal of the risk is not possible, reduce the risk by any necessary changes in working practices or by introducing appropriate protective or supporting measures'*

#### Malicious and Vexatious complaints (and social media)

This is becoming a real issue – especially for head teachers. School governors, CEOs and Exec heads need to ensure that they have a robust and clear policy on how to deal with complaints. We have seen examples of daily e mails running to several sides of A4 from parents. Many of them constitute what can only be described as harassment. Parents and guardians need to be given clear guidelines about how they should approach and speak to schools and what it is reasonable to expect in terms of responses. Ultimately, reporting persistent harassment to the police might be the only recourse to deter some parents who do not change their behaviours.

#### Capability and Appraisal

Performance related pay has been dropped and this is to be welcomed. Policy guidance from the LA states that pay progression should only be denied under conditions of formal capability. Both informal and formal capability are supposed to be supportive processes which enable staff to improve their performance. Too often it is still used and perceived to be a punitive measure which leads to absence as a result of the stress generated by the process.

#### Disciplinary

There has not been any significant increase in disciplinaries, but when they emerge it is again often as a result of poor judgement in stressful situations.

#### Contracts, Pay and Conditions

Issues surrounding the use of fixed term contracts continue to be an issue in some work settings. Members are often unclear what they have signed when starting their jobs and are surprised when they are given notice. The LA has told schools that they should not be using them, but they obviously do give flexibility as an employer.

#### Grievance

Grievances come up every year. The unions endeavour to encourage member complaint to be resolved informally. Many cases which might escalate are dealt with by union intervention so that they end up not even crossing the desk of school management. Without union advice, many more would undoubtedly escalate into time consuming and costly processes.

## Settlements

There have been a few settlement agreements this year. They are often time consuming and expensive but occur when relations between employer and employee break down beyond repair and often offer the best solution for all parties to move on.

## Governance

Having good governors in place is vital and the union enthusiastically recommends that as much training as possible is offered. Conversely, poor governance can create more problems than it solves and can make processes protracted, especially in relation to breaches of policy and employment law if governors do not know the details, or indeed, understand them.

## Collective issues

The amount of cover that staff are requested to do continues to be a concern. Last year's report urged schools to have 'rarely cover' policies which means that any absences known in advance do not call on staff to cover the lessons. There is always confusion over loading and protected time if staff have a TLR. Schools are in the invidious position, however, of not having enough cover supervisors in an environment where sickness absence, often related to workload, is increasing. This can lead to a spiral of decline where staff are put upon more to cover and then they themselves end up not being able to cope.

## LA Policies and guidance

Rationalising the approach to dealing with policies that need reviewing is always discussed at ECM. It has been agreed that key policy documents are prioritised and that unions meet separately in order to give them proper scrutiny.

### 3.3 Benefits of union support

Employers are under a legal obligation to give union representatives of recognised trade unions paid time off from work to undertake their duties. In most education settings, the statutory framework is expanded on in a formal Trade Union Recognition Agreement (TURA) that usually sets out the basic details which have been agreed between unions and employer, including the amount of 'facility time' that the union representatives will receive.

Historically, the responsibility for negotiating and funding such agreements sat with the Local Authority (LA) as the employer. Typically, there would be an arrangement whereby a school or college would be reimbursed by the LA to cover the cost of replacing union reps on release. In the current fragmented educational landscape, the picture has become more complicated. The delegation of funding to schools means that LAs are required to seek agreement to maintaining central funding for this purpose, while the creation of the academies sector means that it is academy employers who take the legal responsibility for providing and funding facility time. The overwhelming majority of Local Authorities, like West Berkshire, administer a 'pooled' arrangement that enables schools and colleges – including academies and free schools - to contribute to a common 'pot' that funds the release of trade union

reps. Our position is that branch officers should actively encourage every employer to be part of such an arrangement (see below). The unions have requested that the mechanism to enable schools to join the scheme is shared with settings which do not yet contribute. **This has not yet been forthcoming.** A MAT within the LA and at least one other setting within the area have requested details about how to contribute to facility time.

### **Rationale for facility time and pooled arrangements**

Governments hostile to trade unionism have encouraged an attack on facility time in the public sector. Some employers have tried to cut the level of facility time available, particularly for those reps who carry out duties across all schools not just their own, often citing financial constraints or questioning the 'value for money' given to the employer.

This ignores the legal obligations involved. Nor does it appreciate the benefits to all parties of providing adequate facility time. Our starting point remains the statutory obligation placed on the employer to provide reasonable time off for trade union duties, and the fact that they receive public funding to do so. Some of the benefits of facility time are listed below:

- The advantage to employers of an effective workplace relations mechanism eg in perceptions of fairness, countering discrimination, standardising employment relations and conditions
- The advantage in dealing with union reps who have experience in representing members and have been trained to do so
- The damage to workplace relations of excluding or limiting the trade union voice. The costs of this may be hidden in terms of morale or more visible in terms of reputational damage or legal costs.
- The exponential growth over recent years in legislation and guidance covering schools
- The democratic and moral right of a trade union voice
- Trade union facility time is usually far less than comparable management time and subsequent costs eg HR, consultants, lawyers
- The positive contribution that is made by involving educators via their trade unions. This was clearly demonstrated and more widely appreciated during the pandemic
- The increasingly complex issues that students face that educators are expected to deal with
- The impact of increasing pressure on educators in terms of professional performance as well as personal well-being
- The level of, and any increase in membership
- The impact of fragmentation of the educational landscape on industrial relations
- The commitment of the government, they will 'ensure there is sufficient facilities time for all trade union reps so that they have capacity to represent and defend workers, negotiate with employers and train'.<sup>13</sup>

### **Facility time for workplace union reps**

Many issues can be resolved at the workplace level without the need for escalation. This can demonstrate to members their own agency and highlight the efficacy of strong workplace organisation.

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<sup>13</sup> [Written questions and answers - Written questions, answers and statements - UK Parliament](#)

In almost all circumstances, avoiding unnecessary escalation will be welcomed by management. West Berkshire has a union rep in about 30% of schools. Officers would urge head teachers to try and encourage a member of staff to become a rep and undertake the appropriate training. Often having more than one rep enables members to feel more confident than if undertaking the task on their own.

We have only two trained health and safety reps in schools across the LA. It could be argued that this role is even more important than the traditional rep. This was especially the case during the Covid pandemic.

### 3.4 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 – position currently occupied by non-LA school member)