



Dear Director

We are writing on behalf of all employees working in your local authority area who are members of NAHT and the ATL and NUT sections of the National Education Union.

You will recall that, from last April, local schools decided through your Schools Forum to delegate funding for supply cover costs, which included trade union facilities time. We were disappointed with this decision – it is at odds with the overwhelming majority of local authorities in England and the advice issued by the Local Government Association and National Employers' Organisation for School Teachers in October 2015.

Discussions are now taking place in your authority on funding arrangements for supply cover costs from April next year and we are asking you to support the view taken by the vast majority of other Schools Forums that these funds should be retained at local authority level through de-delegation.

Successive governments have recognised the importance of good industrial relations and have legislated to provide a statutory basis for facilities time as follows:

- Paid time off for union representatives to accompany a worker to a disciplinary or grievance hearing
- Paid time off for union representatives to carry out trade union duties
- Paid time off for union representatives to attend union training
- Paid time off for union 'learning reps' to carry out relevant learning activities
- Paid time for union health and safety reps paid time during working hours to carry out health and safety functions.

These provisions are contained within the Employment Relations Act 1999, the Trade Union Labour Relations (Consolidation) Act 1992, and the Safety Representatives and Safety Committees Regulations 1977.

But most importantly, de-delegation will help maintain a coherent industrial relations environment where issues and concerns whether individual or collective can be dealt with more effectively. In other local authorities, de-delegation of the fund has allowed trade union representatives who understand the local context to continue to deal with issues arising within schools, without necessarily being a member of staff of the particular school. It has also allowed experienced trade union representatives to seek to resolve problems at an early stage, often informally. Well organised trade union representation has helped to support morale, reduce staff turnover and lower recruitment costs. We believe that co-operation and co-ordination between schools on these matters assists school leaders and governors in arranging the trade union representation to which staff are entitled.

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Irrespective of the funding arrangement, our chosen representatives are still entitled to be released to represent our members. Without a central pool, each employer is required to consult and negotiate separately with trade unions on employment procedures. Each employer is required to negotiate, fund and manage separate arrangements for trade union facilities and time off with pay for each trade union with membership at the school. And without a central pool all schools face higher costs by having to release trade union representatives from each union at the school to undertake their trade union duties and attend relevant union training in order to perform the role effectively.

Further, even having delegated the funding to schools, the local authority retains the statutory duty to allow paid release for trade union officers to carry out their trade union duties in respect of its employees. We expect our officers to be released from maintained schools as and when necessary to exercise their statutory rights. The funding delegated to a single school is not sufficient to meet the cost of releasing a local officer for their trade union duties, for example to allow them to negotiate with the local authority on the terms and conditions of teachers in the maintained schools within the authority. The local authority is therefore required to refund the school the release time or it will need to explain to the school that it must release our officers whether it is reimbursed or not.

We believe that co-operation and co-ordination between schools on these matters assists school leaders and governors to cost-effectively arrange the trade union representation to which staff are entitled.

All these arguments regarding cost-effectiveness and efficiency are echoed in the advice issued by the LGA and NEOST.

We hope that you will now reflect that your local authority should establish a central pool to cover staffing costs for trade union facility time and other civic responsibilities (including service as a magistrate and jury service), and accordingly that you will pass this information on to Schools Forum members advising them to vote for de-delegation.

Yours sincerely

Paul Whiteman

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