

# Appendix D

## Facilities Time Report

Joint statement from NUT, NASUWT, ATL and NAHT, Shropshire

Facility time facilitates good industrial relations. It is not a trade-off. It is not an optional extra. It is a legal requirement. See Trade Union Labour Relations (consolidation) Act (1992)

### Pooled Facilities Time provides:

- Agreed policies from all unions representing school/ academy employees that you, as heads, can be confident of. This removes your legal requirement to consult with your staff on any policies associated with their employment conditions including pay, appraisal, capability, sickness, maternity, paternity, etc. because this has already been established. This saves you time and therefore money and also gives you confidence that adherence to the policies is significantly more likely to create and sustain positive working relationships and minimise the potential for disputes.
- Health and safety policy and procedure is of particular importance. The litigation that can result from a lack of good procedure is often considerable. Trade unions have particular expertise in this area. See Safety Representatives and Safety Committees Regulations 1997.
- Easily accessible local representatives who are knowledgeable about policy and will know the local context.
- Support for your staff when they have particular concerns.
- Quick availability of suitably well- trained union representatives to accompany their members to meetings regarding disciplinary, capability and other issues.
- Possible prevention of unnecessary escalation of issues.
- Providing telephone and face to face advice to members on their employment rights and responsibilities.

### De-delegation

By de-delegating this so that it is provided centrally by the LA, each individual school will be confident that they are satisfying their legal requirements under trade union legislation. If they do not de-delegate they will have to either give time to a representative within the school, should someone be willing to take on that role, or they will have to liaise with regional officers of unions. This will involve significant time delays and added costs.

Furthermore, if there is insufficient money available in the pot, trade unions will not be involved in the policy making and review process and any policies will not be agreed with unions. That will give much more potential for dispute in the future.

If you are an academy, you will have TUPE in place. Therefore, the existing trade union recognition stands and we believe that you should, therefore, be de-delegating and observing the previously existing trade union facilities arrangements.

### What is the advantage to the employer?

As we are usually the first port of call for employees, we can advise them to reflect constructively on any problem they have, and their contractual responsibilities before moving to any action.

Following from the comments above, by de-delegating facilities time you are sure that you are legally covered and can be confident that advice is readily available to your staff via the recognised

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unions. You will do this with a simple per-pupil formula. Therefore, a year in which you have above-average employee-relations related issues will not put an extra-ordinary strain on your budget.

Also, by engaging with unions and by using agreed policies, you will minimise any prospect of a member of your staff being in a position to take legal action against you. Statistics show that where there is union recognition and facility time, there is much less chance of cases proceeding to legal tribunal.

Cases will be more swiftly dealt with within the existing arrangements; trade union officials will support the negotiated policies and we can liaise with head teachers in order to negotiate where there is disagreement before they become disputes.

### **Examples of how facilities time is used**

Training: Employment Law training; Health and Safety training

Duties: Telephone and e-mail advice to members; representation of members in disciplinary or grievance hearings; supporting members with health issues including mental health; where necessary negotiated exits from employment; redundancy processes; negotiating policies which are agreed and therefore will not cause conflict in themselves; TUPE advice when academising.

Policy negotiation.

Complex casework. More detail can be given on this in the meeting.

### **Research**

Research shows<sup>1</sup> that involving trade union representatives effectively can help reduce dismissal and exit rates, meaning lower recruitment costs and better staff morale and productivity. It also reduces workplace-related injuries and illnesses through better health and safety standards.

The return on the investment made in trade union facility time is many times the sum spent. Research commissioned for the TUC from the University of Hertfordshire<sup>2</sup> stated that for every £1 spent between £3 and £9 of benefits were accrued.

1 2007, Department for Business, Enterprise and Regulatory Reform (BERR, now BIS)

2 [www.tuc.org.uk/tucfiles/206/FacilityTimeSeparatingfactfromFiction.pdf](http://www.tuc.org.uk/tucfiles/206/FacilityTimeSeparatingfactfromFiction.pdf)

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