



FULL COUNCIL REPORT

Date Written	17 th August 2021
Report Author	Fran Donnelly/Sue Walker
Service Area	Human Resources
Exempt/Non Exempt	Non Exempt
Committee Date	8 th September 2021

To: Mayor, Ladies and Gentlemen

Facilities Time - National Association of Schoolmasters Union of Women Teachers (NASUWT) and the National Education Union (NEU)

1.0 SUMMARY OF THE REPORT

- 1.1 The Council believes in the principle of collective bargaining at both national and local level and recognises the important role of trade unions in promoting and developing good industrial relations, robust health and safety practices and an effective learning environment.
- 1.2 The Council also recognises that trade union representatives are entitled to reasonable time off to fulfil their functions and to undertake approved training relevant to those functions.
- 1.3 The purpose of this report is to grant and allocate the funding to allow the relevant union officials facilities time to support the members of the unions.
- 1.4 The Council and Trade Unions agree as a general principle that each request for time off must be considered in the light of the operational requirements of the service.

2.0 RECOMMENDATIONS that

- 2.1 The full time trades union representative appointment for the NASUWT be extended to cover the period September 2021 to August 2022 and will then be reviewed in the next year to establish if the correct amount of facilities time is being allocated be approved.

- 2.2 The NEU representative be allocated 28 flexible days to cover the period September 2021 to August 2022 and will then be reviewed in the next year to establish if the correct amount of facilities time is being allocated be approved.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 For many years employers have funded time off for trade union duties for school employees who are trade union representatives.
- 3.2 Trade union representatives carry out a range of complex and demanding activities such as advice, representation and negotiation. Funding for time off allows representatives to attend meetings during the working day. Without it, meetings involving trade union representatives – disciplinary, grievance, ill health and capability meetings, formal or informal, and consultation meetings on changes to working arrangements – would be much more difficult to arrange. Meetings would usually have to take place in the evening or at weekends, affecting everyone involved.
- 3.3 Union representatives help to resolve issues at an early stage. If less facilities time was provided, fewer issues would be resolved informally, resulting in a significant increase in costs to schools and workload for school leaders and local authority officers. Disciplinary, grievance and capability issues would be more likely to escalate, with cases more likely to reach employment tribunals.
- 3.4 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.
- 3.5 Merthyr Tydfil County Borough Council is a unionised organisation and forms part of the National Employers group for the NJC Green Book terms and conditions of employment and the revised edition of the conditions of service for school teachers in England and Wales ("the Burgundy Book") takes into account developments in national conditions of employment and changes to the legislative framework for the employment of school teachers. These set out for the Council and the schools of the County Borough a need to recognise collective bargaining with trades unions.
- 3.6 All organisations are obliged to adhere to employment law and the Trade Unions and Labour Relations Act (TULRCA) 1992 sets out that all employers that recognise unions are legally obliged to consult with them as part of collective bargaining when specific types of employment issues are being changed.
- 3.7 As part of this legal obligation, all employers have to give trades union representatives "reasonable" paid time during working hours to be able to undertake their duties of supporting their union members in any workplace issues.

- 3.8 The NASUWT have requested that their full time union official continue with their full role on a continued secondment basis, as the role continues to be the Negotiating Secretary and a member of the NASUWT National Executive. The NASUWT have also cited an increase in general trade union activities which in the provisions of the Burgundy Book require full time release from teaching duties.
- 3.9 The Council has reviewed the facilities time that has been utilised by the NEU and on 3rd February 2021 resolved to reduce the part-time Trades Union Representative allocation of the flexible day from 39 days per year to 28 days per year. The full flexible allocation of 39 days per year is not always utilised.
- 3.10 What constitutes “reasonable” time isn’t defined in law; it is for employers and unions to agree. Having had these discussions locally taking into consideration the anticipated involvement that trade unions would have with school matters, it was deemed “reasonable” to continue the full time post and agree to the continuation of the part time post but reduced to 28 days a year.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The financial implications are £39,337 for 2021-2022.

5.0 INTEGRATED IMPACT ASSESSMENT

5.1

	Positive Impacts	Negative Impacts	Neutral/Not Applicable
1. Merthyr Tydfil Well-being Objectives	0 of 4	0 of 4	4 of 4
2. Sustainable Development Principles - How have you considered the five ways of working? <ul style="list-style-type: none"> • Long term • Prevention • Integration • Collaboration • Involvement 	3 of 5	0 of 5	2 of 5
3. Protected Characteristics (including Welsh Language)	0 of 10	0 of 10	10 of 10
4. Socio-economic Disadvantage	0 of 6	0 of 6	6 of 6
5. Consultation and Engagement	Undertaken	Due to be Undertaken	Not Required
	1 of 1	0 of 1	0 of 1
6. Data and Evidence to inform the proposal	Yes		No
	1 of 1		0 of 1

7. Biodiversity and the resilience of Ecosystems	Maintained	Enhanced	Reduced	Neutral/Not Applicable
	0 of 1	0 of 1	0 of 1	1 of 1
Summary				
The main positive impacts are:	To deal with staff issues effectively.			
The main negative impacts are:	No negative impacts.			

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BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
Request for Full Time Trades Union Representative (NASUWT) Council Report	22 nd March 2017	Intranet
Request for Trades Union Representatives from the National Association of Schoolmasters Union of Women Teachers (NASUWT) and the National Education Union (NEU)	24 th October 2018	Intranet
Revenue Budget 2021/22	3 rd February 2021	Intranet
Does the report contain any issue that may impact the Council's Constitution?	No	

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.