

Trade Union Facility Time in Schools Frequently Asked Questions

Glossary

De-delegation

Funding arrangements allow maintained primary and secondary school forum representatives to vote on behalf of their phase to transfer funding from delegated budgets to a central budget (held by the local authority). This is known as de-delegation.

Trade union representative

The ACAS Code of Practice 3 uses the term 'union representative' to mean an employee who has been elected or appointed in accordance with the rules of the independent union, to be a representative of all or some of the union's members in the school(s) where the union is recognised for collective bargaining purposes. This is intended to equate with the legal term 'trade union official'.

A union learning representative is an employee who is a member of an independent trade union recognised by the employer who has been elected or appointed in accordance with the rules of the union to be a learning representative of the union at the workplace.

Frequently Asked Questions

Which trade unions are recognised?

The schools' workforce are in the following conditions of service groups, the recognised trade unions for each are as follows:

Teachers: ASCL, NAHT, NASUWT, NEU, Voice
Local Government Employees: GMB, Unison

What is trade union facility time?

Trade union facility time is reasonable time off during working hours and without loss of pay, for employees who are union representatives (of a trade union that is recognised by their employer), to carry out union duties and undergo relevant training. Trade union activities also fall under the term 'facility time' but the time off is normally unpaid.

What is the difference between trade union duties and activities?

Duties	Activities
<ul style="list-style-type: none"> - Collective consultation, negotiation & other meetings called to by or on behalf of the employer, including preparation and follow-up; and training relevant to the above - Accompanying members at procedural meetings (disciplinary, redundancy, etc.) - Health & Safety representative duties & training - Learning representative duties & training 	<p>Activities of a trade union member include:</p> <ul style="list-style-type: none"> - attending workplace meetings to discuss and vote on the outcome of negotiations with the employer - meeting full time officers to discuss issues relevant to the workplace - voting in union elections - having access to services provided by a Union Learning representative. <p>Activities of a member acting as a TU representative include:</p> <ul style="list-style-type: none"> - branch, area or regional meetings of the union where the business of the union is under discussion - meetings of official policy making bodies, such as the executive committee or annual conference - meeting with full time officers to discuss issues relevant to the workplace.

How do schools manage facility time?

The legislation on time off for trade union duties and activities applies to all employers, including those responsible for maintained schools, academies and free schools. There is significant flexibility for all schools to determine their own approaches to facility time to ensure positive workplace relations. Further information can be found in the non-statutory advice produced by the DfE [‘Advice on trade union facility time in schools’](#)

What are the options for West Northamptonshire schools?

- i. Access centrally organised facility time arrangements by contributing a proportion of the schools delegated budget back to a central budget, (in the case of Academy schools, purchasing a Trade Union Facility Time SLA), which is then used to reimburse schools who employ the recognised trade union representatives who undertake trade union duties across all contributing schools.
- ii. Make provision for the arrangement for facility time to operate just within your school. If facility time is not organised centrally, each trade union can press for the release of a union representative at each individual school. The training requirement for these representatives could be significant, given the new role they would be expected to fulfil

(e.g. employee, Health and Safety and Learning representative duties; attend training or learning activities; consultation and negotiation on employment related matters and the schools own HR policies), as well as the potential level of disruption in the school, for example, releasing a teacher from the classroom to accompany a member in a formal disciplinary / grievance / performance / individual consultation meeting.

Do the council contribute funds for trade union facility time in schools?

No, however the council does absorb the resource costs arising from management and operation of the statutory consultation framework undertaken on behalf of maintained schools. This is done primarily through a sub-group of the Joint Consultation and Negotiation Forum (JCNF), which meets six times a year as a minimum as the Education and Schools Directorate Consultative Forum (DCF) and Health, Safety & Wellbeing Forum.

What impact did the Northamptonshire Local Government Review (LGR) have on facility time in schools?

The LGR meant that the County Council and seven District and Boroughs ceased to exist on 31 March 2021 and two new organisations were created from 1 April 2021 - West Northamptonshire Council and North Northamptonshire Council. The geographic location of a school determines which new local authority a school falls under. A schools forum was established in each new council.

Decisions made by the schools forum in Autumn 2020 determined the separated facility time arrangements effective from 1 April 2021. At that time there were many unknowns, other than that the North and West councils would recognise trade unions; and the statutory requirement for those responsible for maintained schools, academies and free schools to provide reasonable paid time off for trade union duties and activities will apply.

The school forum for West Northamptonshire Council will determine the facility time arrangements for West Northamptonshire for 1 April 2022 – 31 March 2023 at the December 2021 meeting.