

**Date: 18 June 2021**

To: All NAHT Head Teacher Members in  
Tameside schools

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Dear Colleague,

You may be aware that that discussions are currently taking place between trade unions, the local authority and Schools Forum regarding a new funding model for supply cover costs for trade union facilities time.

Along with the other recognised trade unions NAHT believe that the central retention and distribution of the fund is the most effective and efficient arrangement for the management of trade unions facilities times. We are asking you to pass the information in this letter to members in your Schools Forum and to encourage them to vote again for de-delegation of funding arrangements for supply cover costs.

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 representatives' to carry out relevant learning activities.
- Paid time for union health and safety representatives during working hours to carry out health and safety functions.

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

Irrespective of the funding arrangement trade union representatives, including NAHT officials, are still entitled to be released to represent their members.

Furthermore, even where the funding is delegated 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. The unions will expect their officers to be released from maintained schools as and when necessary to exercise their statutory rights. The funding delegated to a single school will not be 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.

Establishing a central pool will guarantee that trade union officers released from their posts as local authority employees spend this time representing employees of employers that have contributed to the pool.

Pooled funding will help the local authority and all schools to meet their statutory obligations on trade union facilities time. Setting up a central funding arrangement will allow schools to pay into a central pool if they wish to; it will give schools a choice although it is a choice NAHT recommend they make. Perhaps most importantly it will help maintain a coherent industrial relations environment where issues and concerns whether individual or collective can be dealt with more effectively. All these points are echoed in the advice issued by the Local Government Association and the National Employers Organisation for School Teachers.

The NAHT clearly supports de-delegation of funds for trade union facilities and that this fund should be co-ordinated through the offices of the LA. We also believe that academies within the boundaries of the authority should be allowed to and encouraged to buy back into local authority arrangements. Indeed, many academies across England have already agreed to buy in to local authority trade union facilities arrangements.

If academies are not able to buy back, or indeed choose not to, there is a possibility the unions may set up a branch within each academy or MAT meaning each academy employer will need to provide appropriate facilities time.

NAHT urge you therefore to support the de-delegation funding for supply cover costs and to continue with a mechanism whereby academies within your boundaries are able to buy into a central fund for trade union facilities time

In this time of pressures on school funding it is understandable that school leaders are thinking about every area of spending. However, the impact of not having de-delegated funding for trade union facilities time may have unintended consequences for individual schools should the trade unions seek to have local representatives in each school.

If you have any questions on this, please don't hesitate to call or email.

Yours sincerely,



**Jason Ferraby**  
NAHT Regional Officer