



North Tyneside Council

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Briefing note

To: Schools Forum

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Purpose of the Paper:

Information	√
Consultation	
Decision	

Title of Briefing: Special Leave - Part 1 & 2¹ Service Level Agreement (SLA) – Update

Background:

A report was presented to Schools Forum on the 7th March 2018, noting that the Special Leave SLA, required review from 1st April 2018 as whilst monies paid into the SLA had increased overtime (due to increasing pupil numbers), the associated costs of the SLA² had not remained in alignment with income.

As noted the SLA provides for:

- Part 1 - the costs associated with the absence for teaching staff on Maternity³, Adoption, Paternity, Shared Parental Leave and Jury Service, where those employers chose to be part of this SLA, to be reimbursed to employer. Maternity remained by far the bulk of claims and whilst claims were variable in volume, cost and duration (resulting in predictions and budget planning requiring a wider number of assumptions) the vast majority of individuals consistently claimed the entire paid leave element. The budget available and spend profile had maintained a risk of overspend each year the SLA had been in operation with 2016/ 17 being an exceptional year in terms of higher than expected claims volume and value.
- Part 2 – the costs associated with this absence⁴ to be reimbursed to the home/ host employer. The SLA applied equally to all schools whose employers chose to be part of the SLA – including teaching, leadership and support staffs and was operated within an annual agreement. The profile of use had always had an element of variance/ risk for each year the SLA had been in operation. Recently use profile had further varied due to increased membership levels and changes in the value of unit cost. Refunds to host/ home schools accounted for the majority of claims followed by the Unison & GMB legacy agreement⁵. Time allocated per trade union/

¹ Part 1 – Maternity, Paternity, Adoption, Shared Parental Leave & Jury Service; Part 2 – Trade Union/ Professional Association Facility Time (TUFT).

² the need to accommodate some changes to legislation for Part 1 linked Shared Parental Leave (which is different from Paternity Leave) and growing schools workforce, membership levels increasing and the associated cost of reimbursement to host/ home schools.

³ depending on service criteria 100% x 4 weeks (inclusive of Statutory Maternity Pay- SMP), 2 weeks 90% (inclusive of SMP), 12 weeks half pay (inclusive of SMP), 21 weeks SMP, and 13 weeks unpaid. Where the individual has less than 12 months continuous service benefits are the same, but employer is not able to reclaim SMP and/ or SMP is not payable to the individual at week 21, but the individual may qualify for Statutory Maternity Allowance.

⁴ release of an employee from one employer to undertake trade union/ professional association duties outside for another employer to be reimbursed.

⁵ supporting both the Unison and GMB branch within NTC to directly support staff members in schools on a number of matters including case work, job evaluation, pay and grading, etc... All school employers were able to access to/ offer this to their employees as part of and the operation of a Joint Employee/ Employer Consultative Forum which NTC has in place and where they involve school teacher, support staff and a leadership trade union.

professional association was established on an annual basis, managed by the local branch and monitored/ kept under review.

Schools Forum agreed that they wished to continue to operate the SLA for 2018/19, agreed to maintain the price of £24.73 per pupil, but clarified that pupil reference points were to be inclusive of Reception to Year 11 and that a review of indicative values was needed. Schools Forum were also clear that the SLA had to work within budget allocations and therefore claims were to be paid retrospectively, the value of claims would be reviewed and where applicable a range of options be discussed before reimbursement took place. Schools Forum via de-delegation arrangement ensured that all maintained schools were included in the SLA and all other schools (who were not able to be included via these arrangements) were to be offered inclusion.

Schools Forum asked to receive update reports to allow them to more closely monitor the operation of the SLA.

Current Position:

All North Tyneside maintained schools and academies continue to be eligible to participate in the SLA which is offered in two parts (as noted above). The price per pupil remained fixed for the period 1st April 2018 to 31st March 2019 at £24.73 with an indicative allocation for each part of the SLA to be £20.13 and £4.60 respectively. Not all eligible schools outside of the de-delegation decision making process have chosen to be part of the SLA. The following notes utilisation for the period 1st April to 31st August 2018 (5 months).

- Part 1 - to date this remains within expected parameters with the majority of claims relating to maternity leave. Overall the number of claims is lower than at this point in time in 2017/18, with maternity and shared parental leave claims reducing and paternity and adoption claims increasing.

Whilst the number of claims for the period has reduced, the overall value has increased slightly due to pay awards/ pay progression reviews, but remains in line with the estimations noted in the March 2018 Schools Forum report (i.e. assumed average year presenting in the region of 140 claims, with a 'average' claim value in the region of £8,000 per employee and an SMP offset at 68%).

- Part 2 – allocations have been reviewed/ revised and each respective local branch continues to be required to work within these parameters. Utilisation remains within expected parameters and commitments are in line with expectations⁶; the number of claims for the same period has slightly reduced however, the value per claim has increased due to pay awards/ pay progression reviews. Overall operation remains in line with cost profile projections and reviewed annual allocations.

Use/ utilisation continue to be monitored and each branch secretary is responsible/ accountable for managing within their revised annual allocation, the legacy agreement for Unison & GMB also continues to be monitored.

In summary, the SLA has been established on the basis that it will operate within a balanced budget/ nil cost frame work, more robust monitoring is in place and all claims will be paid retrospectively. Current spending profiles do not take into account pending pay awards/ reviews or

⁶ Arrangements are established on either an ad-hoc or committed basis, ad-hoc is variable week to week and is managed by the local branch within a set maximum time allocation; committed is established for a set number of days/ hours per week and is planned for a set 12 month period, most commonly an academic year, again managed by the local branch. Reimbursement is provided to home/ host schools for the release of their member of staff to support colleagues who work for another employer/ location. The reimbursement/ use of time exclude support for home/ host school.

changes to employer costs, however, if the use profile remains in line with expectations there is the potential for claims to be paid at full value within these parameters.

A further update will be provided to Schools Forum in December 2018 noting additional analysis, a range of refund options and will also provide for an indicative value for any future SLA for 2019/ 20.

Recommendations:

Schools Forum having read this report, clearly understanding the information provided and having asked sufficient questions to ensure clarity:

1. note the contents of this report.