

Briefing note

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Title of Briefing: Special Leave SLA (Part 1 and 2)

Background

A number of updates have been provided to schools forum to provide clarity on how this SLA operates and an update was also included in the December 2017 Schools Forum papers.

All Schools within North Tyneside are able to be part of this SLA. For maintained schools (excluding special, PRU and nurseries) an annual decision supports the funding of this SLA as part of Schools Forum De-Delegation arrangements. For Academies, Special (including the PRU) and Nursery schools they are able to opt into this arrangement (either Part 1 or 2) via an SLA. (Attached at appendix A).

This SLA is currently charged at £24.73 per pupil and this rate has been fixed for a number of years. The SLA is in two parts:

- Part 1 – Maternity, Paternity & Jury Service (teachers only) – £22.90 per pupil.
- Part 2 – Trade Union Facility Time - £1.83 per pupil

Current Position

Part 1 Special Leave - is restricted to teaching staff only, on an annual basis it is difficult to predict the number of applications and associated costs – however numbers have remained consistent; the costs associated with each applicant does vary and also does increase over time; the actual size of the fund has remained static; there is no statutory requirement for this service to be provided.

For Part 2 Trade Union Facility Time - these funds reimburse the cost of employees being released to undertake trade union duties outside of their own school. Criteria/ conditions and restrictions are applied (and these are noted in more detail in the SLA and the subsequent annual facility time agreement). This SLA has been in place for some considerable time; no one individual is permitted to be on full-time release; allowances paid to individuals are excluded but employer costs are included; on an annual basis it is easier to predict usage (as a cap is applied to each respective trade union); the costs associated with

each applicant are variable and have increased over time; the actual size of the fund has remained static; some trade unions have claimed under allocations, however, this is changing; costs have increased over time both per reimbursement and number of days claimed; there is no statutory requirement for this service to be provided. Additionally, where such arrangements operate, in comparison to other geographical areas (both local and national) the current per pupil rate is significantly low – with the average being closer to £4.50 per pupil (as at 17/18).

Recommendations:

1. For Part 1 ONLY - with effect from 1st September 2018, this SLA will no longer be provided.
 - a. The rate of £22.90 per pupil will be maintained from the 1st April 2018.
 - b. active applications at that time would be honoured,
 - c. no new applications becoming active on or after 1st September 2018 will be granted access to these funds (this would mean that any maternity, paternity or jury service would need to be 'active' prior to the 31st August 2018 and thereby qualify for funding at that time);
 - d. any residual funds, notwithstanding the recommendation noted in 2c below, would be distributed to all schools which had been part of this section of this SLA.
2. For Part 2 ONLY – with effect from 1st April 2018 this SLA will continue to operate:
 - a. the rate of £1.83 per pupil will be increased to £3.50 per pupil.
 - b. this rate will operate until 31st March 2019.
 - c. the increase in rate for maintained schools (including special, PRU and Nursery who had opted into this SLA), will be deducted from any residual/ remaining funds within Part 1 of this arrangement before any refunds are distributed provided to schools on 1st September 2018.
 - d. schools will be advised of the funds re-distributed/ refunded on an individual school basis and an update will be provided to schools forum.
 - e. the per pupil rate will be reviewed annually from 1st April 2019 and thereafter each year - on the premise that a move closer to the national/ regional average rate of £4.50 per pupil be considered.
 - f. due to changes in the number of trade unions which operate within North Tyneside (e.g. the merger of two national teacher unions), the annual agreement in place (which supports the operation of this SLA) will be reviewed for the 1st April 2018 to reflect this change and/ or associated membership numbers. A review of membership numbers and days/ roles / funded time allocated will form part of the annual agreement for all future years.
 - g. the SLA will continue to be administered centrally by Schools HR on behalf of schools, financial reimbursement for the management and administration of this SLA including the cost of setting up secondment agreements, annual agreements, managing and reimbursement of claims, etc. are funded from this agreement and not employer schools.

- h. reports on operation/ usage are to be provided to schools forum annually (and/ or as required).
 - i. a review of any charges for all trade unions, which are outside of the annual agreement, will be reviewed and clarity on the basis of those charges provided to a future Schools Forum.
 - j. pupil numbers will continue to be used as a point of reference.
 - k. Part 2 of this SLA continues to be considered as part of Schools Forum de-delegation arrangements on an annual basis.
 - l. Part 2 of this SLA continues to be open to all schools within NT geographical boundaries – on the basis that they contribute funding (via the SLA). Non-NTC school may be permitted to be part of these arrangements, but would be required to pay a non-NT rate which would be in excess of £4.50 per pupil.
3. all schools to be notified of these changes including Academies, Special, and PRU & Nursery.

Part 1: Funded Special Leave

For funding allowing the School to claim a re-fund of the costs associated for a member of Teaching Staff during a period of leave specifically related to Maternity, Paternity, Adoption or Jury Service. The SLA applies to these limited circumstances and would not be applicable for funding for any other special leave granted under a Schools Leave of Absence Policy. The funding available relates to the cost of the absent employees actual salary (inclusive of on-costs) paid during the period of leave (excluding statutory payments/allowances, e.g. Statutory Maternity Pay (SMP), Statutory Maternity Allowances (SMA), etc.). Currently Maternity, Paternity, Adoption and Jury Service are defined within each Schools Leave of Absence policy, but would not be expected to be in excess of :

- Maternity Leave – a number of weeks' pay at 90% of the weekly wage (inclusive of SMP), plus a further number of weeks at SMP – dependent upon terms of employment and length of service (where the employee does not qualify for SMP, SMA would be payable).
- Paternity Leave – up to 2 weeks paid leave.
- Adoption Leave – mirrors maternity leave, but can only be granted to the parent who is identified as being the main career.
- Jury Service - where a member of staff on the schools headcount is required to undertake jury service, funding is available to fund the cost of cover – less any allowances that would be provided by the Court Service. It is common place that employees undertaking Jury Service may receive funding in respect of travel, parking and an attendance allowance. Any attendance allowance received would be offset against all claims for cover. Travel and parking would be outside of this offset.

Part 2: Funded Trade Union (TU)/ Professional Association (PA) Facility Time for Schools

Good employer practice, employment legislation and terms of employment all support an effective employee relations culture. To this effect Schools Forum have asked the Local Authority (Children's Services) to enter into an annual agreement with the recognised TU/ PA's (via Association of Secretaries) to support the allocation of funded time being made available to School based representatives within the Borough. Time is allocated to teacher, support and head teacher TU/PA on a proportionate basis, to secure the release from School by ensuring reimbursement of the cost of the member of staffs release/time away from their role in School. Funding is restricted to members of staff in Schools who are nominated TU/ PA Branch representatives. Funding does not apply to the School's TU/ PA representative carrying out duties within their own School. The funding agreement requires each TU/ PA representative to make a retrospective claim for the time taken to undertake branch TU/ PA duties. A claims process is in place and this is overseen by the HR Business Partner on behalf of Schools Forum. The funding is based on the cost of the member of staff plus on-costs, but excludes allowances. TU Facility Time Allocated includes:

- up to 195 days per annum each - NUT and NASUWT.
- up to 90 days per annum each - ATL, NAHT, ASCL.
- up to 50 days per annum each - Unison and GMB (*).

(*NB: in addition to School based representatives employees in Schools are able to access Unison & GMB Representatives from the North Tyneside Council. The funding of this provision is included in the service charge).

Basis of Charge:

Charge £24.73 per pupil
(£22.90 Part 1 and Part 2 £1.83)