

Briefing Note

To	Schools Forum
From	Stephen Holden
Subject	Facilities Time
Purpose	For Decision by the Schools Forum
Decision required	Yes (Schools Forum Decision)
Status	Confidential / Not confidential

Introduction

Facilities time is a statutory entitlement that allows trade union representatives to take reasonable time off from their normal duties to carry out union-related activities. In the context of English schools, this provision plays a vital role in supporting effective industrial relations, promoting staff wellbeing, and ensuring that employee voices are heard in decision-making processes.

Under the Trade Union and Labour Relations (Consolidation) Act 1992, and further reinforced by the Trade Union (Facility Time Publication Requirements) Regulations 2017, schools and academy trusts are required to provide and report on facilities time for union representatives. This includes time for duties such as representing members in disciplinary or grievance procedures, attending training, and engaging in consultations with school leadership.

The Department for Education (DfE) encourages schools to manage facilities time in a way that balances operational needs with the legal rights of union representatives. While the DfE guidance outlines expectations for transparency and accountability, the implementation of facilities time varies significantly across local authorities and multi-academy trusts.

Bury's approach to the management of this has been through a pooled budget funded from de-delegation from maintained schools and buy-back from academies. The pooled budget funds backfill, up to a maximum of UPS3, for schools and academies that release staff for agreed union duties.

Funding Models for Facilities Time in English Schools

The funding of facilities time for union representatives in English schools varies depending on school type and local arrangements. The following outlines the main models currently in use:

1. Delegated Funding (School-Level Responsibility)

All schools receive funding for facilities time as part of their general budget. Each school is responsible for deciding how to allocate this funding and whether to provide time off for union duties.

2. De-Delegation (Maintained Schools Only)

Maintained schools can agree, through their Schools Forum, to de-delegate a portion of their budget to the local authority. This creates a central fund used to support union representatives who work across multiple schools. The decision to de-delegate is reviewed annually. In this model, a decision will need to be reached about how much of the union representative's salary is covered.

3. Service Level Agreements (SLAs) for Academies and Free Schools

Academies and free schools cannot participate in de-delegation but may opt into local authority arrangements through service level agreements. These may take the form of annual subscriptions or pay-as-you-go models, depending on the local authority's offer.

4. Pooled Facility Time Arrangements

Some local authorities or school groups operate pooled arrangements, where multiple schools contribute to a shared fund. This model allows for coordinated support and consistent access to union representation across participating schools.

5. Hybrid or Traded Models

Hybrid models combine de-delegation for maintained schools with SLAs for academies and free schools. These arrangements may include tiered pricing or differentiated services based on school type or level of participation.

Decisions For the School Forum

The Schools' Forum is invited to consider the following options for funding union facilities time across Bury schools:

1. Continue De-Delegation for Maintained Schools & Buy-back for Academies

Maintain the current arrangement where maintained schools de-delegate a portion of their budget to the local authority to fund a central pool for facilities time and academies pay via buy-back.

1.A Support backfill costs up to UPS3 (Current Arrangement)

1.B Support backfill costs at the full salary of the union representative

2. End De-Delegation and Academy Buy-back and Delegate Responsibility to Individual Schools

Cease central funding and allow each maintained school or academy to manage and fund facilities time independently from their delegated budgets.

3. Develop a Pooled Funding Arrangement for maintained schools and academies

End de-delegation and establish a voluntary pooled fund that includes contributions from both maintained schools and academies to support a shared facilities time service.

3.A Support backfill costs up to UPS3

3.B Support backfill costs at the full salary of the union representative

Conclusion

As outlined in this paper, the funding of facilities time for union representatives is a critical decision that affects the ability of staff to access fair representation and maintain constructive industrial relations. In Bury, this responsibility now rests with the **Bury Schools' Forum**, which must determine whether to continue supporting a centrally coordinated model through de-delegation or explore alternative arrangements. This decision will shape how effectively union duties can be carried out across the borough's schools and will have implications for both operational efficiency and staff wellbeing. It is essential that the Forum considers the long-term benefits of a sustainable and equitable funding model that supports all school communities.

