



NOTICE OF MEETING

EMPLOYMENT COMMITTEE

TUESDAY, 23 JULY 2024 AT 5.00 PM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

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If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Membership

Councillor Stuart Brown (Chair)
Councillor Cal Corkery (Vice-Chair)
Councillor Dave Ashmore
Councillor Simon Boshier
Councillor Charlotte Gerada
Councillor Darren Sanders

Standing Deputies

Councillor Hannah Brent
Councillor Peter Candlish
Councillor Spencer Gardner
Councillor Graham Heaney
Councillor Abdul Kadir
Councillor Benedict Swann
Councillor Matthew Winnington

(NB This agenda should be retained for future reference with the Minutes of this meeting.)
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A G E N D A

1 Apologies for Absence

2 Declarations of Members' Interests

3 Minutes of the meeting held on 11 March 2024 (Pages 3 - 8)

RECOMMENDED that the minutes of the meeting held on 11 March 2024 be confirmed and signed by the Chair as a correct record.

4 Trade Union Facilities Time 2023/24 (Pages 9 - 22)

Purpose

To present the Trade Union Facility Time Report 2023/24 ensuring the Council fulfils its statutory obligations in respect of the Trade Union (Facility Time Publication Requirements) 2017.

RECOMMENDED - that the Employment Committee:

a) Notes the data in Appendix 1 and the fact that the Appendix will be the report published on the PCC website, and the Government maintained website.

b) Notes that the data will be included in any relevant Annual Report and Accounts that are published by PCC.

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Agenda Item 3

EMPLOYMENT COMMITTEE

MINUTES OF THE MEETING of the Employment Committee held on Monday 11 March 2024 at 5.00pm in the Council Chamber - The Guildhall, Portsmouth

Present

Councillor Stuart Brown (Chair)
Councillor Darren Sanders (Vice Chair)
Councillor Dave Ashmore
Councillor Charlotte Gerada

Officers in attendance

Natasha Edmunds, Director Corporate Resources
Rochelle Williams, Assistant Director HR
Jeremy Underdown, Head of Facilities Management

5 Apologies for Absence (AI 1)

No apologies had been received. Councillor Cal Corkery tendered his apologies after the meeting as he had been caught in traffic following an accident on the M27.

6 Declarations of Members' Interests (AI 2)

There were no declarations of Members' interests. For transparency Councillor Charlotte Gerada informed those present that she is a member of Unite and GMB union.

7 Minutes of the meeting held on 25 January 2024 (AI 3)

RESOLVED that the minutes of the meeting held on 25 January 2024 be confirmed and signed by the Chair as a correct record.

With the agreement of the Committee, the Chair altered the order of business to hear Item 6 - Annual Health and Safety report first. For ease of reference, the minutes remain in the order presented on the agenda.

8 Pay Policy Statement 2024/25 (AI 4)

Rochelle Williams, Assistant Director HR, introduced the report and informed the Committee that the Council is required by section 38(1) of the Localism Act 2011 (openness and accountability in local pay) to prepare a Pay Policy Statement. A Pay Policy Statement must articulate the Council's policies towards a range of issues relating to the pay of its workforce, particularly its senior staff, Chief Officers and its lowest paid employees.

The Assistant Director HR explained that the Pay Policy Statement reaffirms the council's commitment to pay all direct employees the Real Living Wage and confirmed that following her appointment last year, the new Chief

Executive is pay a 'spot salary' within a fixed salary range with no incremental progression as a result of seniority, experience or performance.

The Assistant Director HR informed Members that the Pay Policy Statement must be approved by Full Council no later than 31 March of each year, prior to the financial year to which it relates and be published on the council's website. It is intended that full Council will consider the Statement at its scheduled meeting on 19 March 2024.

There were no questions.

RESOLVED that the Employment Committee approved the Pay Policy Statement attached as Appendix 1, to go forward for approval by the Full Council prior to 31 March 2024.

9 Sickness Absence – Bi-annual Report (AI 5)

Rochelle Williams, Assistant Director HR, introduced the report and explained that it set out the levels and causes of sickness absence across the council and the actions being taken to improve attendance and promote employee health and wellbeing. She noted that sickness absence levels are now at their lowest since November 2021, with psychological reasons, virus and gastrointestinal reasons being the most prevalent. Musculoskeletal absences have continued to be reported in three categories in this report for consistent reporting and the new method of recording this category will take effect from the next report. Heart disorders and cancers have increased and several campaigns to encourage screening and early detection have been run. The Employee Assistance Programme - Vivup - now includes an online GP service and wellbeing platform to help reduce sickness absence.

Members' questions

In response to questions, officers clarified that:

- In line with guidance, the council does not ask staff to test for covid-19; but if they report a positive test it is recorded as the reason for sickness absence otherwise it will be recorded as a respiratory illness.
- All staff suffering from a contagious illness are encouraged to work from home or take appropriate steps to protect others if their presence in the office is required.
- Whether musculoskeletal absences are sustained at work or elsewhere is not recorded as part of this piece of work, but if it was because of an accident at work, it would be recorded in Health & Safety data.
- Vivup is still in its early days, and the council is collecting data on its usage and the popularity of different services offered. Data will be available for analysis in the coming months.
- The online GP service, available to staff through Vivup, is also available to family members of staff and alongside a free Will writing service has proven to be a very popular Vivup benefit.
- The council runs campaigns relating to women's health including the menopause and will consider a suggestion by Councillor Gerada to extend this to miscarriage and undiagnosed endometriosis.

Members' comments

Councillor Gerada welcomed the launch of the online GP appointment scheme, not only as a means of reducing sickness absence but also as a valuable employee benefit.

Councillor Sanders proposed a change Recommendation 1 s that rather than reading "Note the change in absence levels across the organisation", it would now read " Welcome the reduction in overall absence levels across the organisation". This was agreed by the Committee.

RESOLVED to:

- 1) Welcome the reduction in overall absence levels across the organisation.**
- 2) Note the levels and causes of sickness absence across the council and by directorate.**
- 3) Note the activities and interventions undertaken to support attendance and improve health and wellbeing.**

10 Annual Health and Safety Report 2023-2024 (AI 6)

Jeremy Underdown, Head of Facilities Management, introduced the report. He informed members that the report updated the interim report presented at the Committee meeting held on 30 November 2023. The Committee had agreed on 30 November that presenting the annual report in March would better reflect the annual reporting period and delivery against the action plan.

The Head of Facilities Management noted that the annual report includes additional information about fire training requested by Members in November and provides reassurance that Portsmouth City Council is complying with health and safety legislation and is ensuring the health, safety, and wellbeing of those affected by the council's activities. He explained that the action plan for the coming year removes items considered to be 'business as usual' and instead focuses on a number of key themes of identified risk or opportunities for service improvement. This year the digitisation of the interaction between the Health & Safety service and the rest of the council, and the delivery of an audit programme to maximise the efficient and effectiveness of the service will be its biggest challenges.

There were no questions.

The Committee noted the information contained in the report.

11 Gender Pay Gap Report 2023/24 (AI 7)

Rochelle Williams, Assistant Director HR, introduced the report and informed members that it presents the outcomes of the statutory Gender Pay Gap 2023/24 analysis and helps ensure that the Council can fulfil its statutory obligations in respect of the Gender Pay Gap Information Regulations. The report includes an action plan to build on the council's inclusive working practices which aim to continue to reduce the gender pay gap. Following a

previous request by the Employment Committee the report now includes a breakdown of the workforce profile by age, gender and whether full time or part time in Appendix 1. The Assistant Director HR confirmed that the council's gender pay gap is lower than the national average and there are robust policies in place to ensure that employees are paid equally for jobs of equal value.

The Assistant Director HR informed Members that unlike the gender pay gap, organisations are not legally required to publish their Ethnicity Pay Gap. The council is committed to ensuring equality across its workforce, and is continuing to review and improve workforce data held in relation to ethnicity with a view to including Ethnicity pay reporting as part of future Gender Pay Gap Reporting.

Members' questions

In response to questions, officers clarified that:

- The information included in the report is statutory and 'bonuses' in this case includes payments such as long service awards and one-off honorariums. The council does not pay bonuses and it has robust mechanisms in place to ensure any payments are applied to all relevant employees equally.
- The overall number of people working full time has increased although there has also been an increase in employees working full time hours flexibly, for example, compressed hours or 9 day fortnights as this helps protect pensions.
- Men have equal rights for parental leave although many men have not been taking it.
- HR is implementing a new recruitment system which encourages managers to promote flexible and hybrid working as an integral part of the recruitment process. These included family friendly options for all genders to access.

Natasha Edmunds, the Director of Corporate Resources, commented that as of 2022, 35% of the council's employees work part time and there are many different working patterns operating across the workforce. She added that the 2022 data is available on the council's website at [Employment category - Your City, Your Say survey research \(portsmouth.gov.uk\)](https://www.portsmouth.gov.uk/employment-category-your-city-your-say-survey-research) and this information will be updated later in the year.

Members' comments

Councillor Sanders commented that the gender pay gap (both mean and median) have reduced over the past two years and this was pleasing and showed the organisation was travelling in the right direction. He expressed support for the council's recently published Equalities, Diversity and Inclusion strategy.

The Chair noted that the council is confident that anyone doing work of equal value will receive the same pay and that the remaining gender gap is due to the type of roles the high number of women employed by the organisation undertake. The Director of Corporate Resources agreed, and commented that

women are more likely to work part time.

The Committee noted the information contained in the report.

12 Workforce Trend Analysis (AI 8)

Rochelle Williams, Assistant Director HR, introduced the report and explained that it follows a request made by the Committee at its meeting on 30 November 2023 for a detailed workforce analysis on turnover, actions arising, age profile and succession planning.

The Assistant Director HR informed members that the Directorates with the highest turnover of staff were Economy, Planning and Transport (EPT), Culture, Leisure and Regulatory Services, Public Health, and Children, Families and Education. She explained that Public Health was a small team and recorded turnover related to 4 people leaving the organisation and turnover in culture and leisure was impacted by fixed term and seasonal workers. Within EPT and children's services it was of concern that people were leaving for career development reasons or those relating to work life balance and other family reasons. The organisation was experiencing issues recruiting and retaining employees, partly because of competition with the private sector on pay as it is unrelated to market pay. This combined with an aging employee demographic meant the council was facing a number of challenges though she noted that the Local Government Association has commented that all local authorities are battling talent shortages alongside recruitment and retention issues.

The Assistant Director HR informed Members that work to promote the council's employee values proposition including hybrid working, the pension scheme, work life balance, sick pay, annual leave and working hours was underway.

Members' questions

In response to questions, officers clarified that someone leaving a job role and starting another within the council would 'count' as a leaver and a joiner.

The Director of Corporate Services commented that 50% of council employees are also local residents and are therefore invested in what the council delivers by way of its services.

Members' comments

Councillor Sanders noted that pay which is unrelated to market pay puts the council in a difficult situation and it needs to plan for the future.

Councillor Ashmore noted the effort the council is putting in to support employees including through the Employee Benefit Scheme, providing flexible and hybrid working which support a better work life balance.

Members asked that the report be repeated and presented to the Employment Committee annually.

The Committee noted the information contained in the report.

The meeting concluded at 5.42pm

Councillor Stuart Brown
Chair

Agenda Item 4



THIS ITEM IS FOR INFORMATION ONLY

(Please note that "Information Only" reports do not require Integrated Impact Assessments, Legal or Finance Comments as no decision is being taken)

Title of meeting:	Employment Committee
Subject:	Trade Union Facilities Time 2023/24
Date of meeting:	23 July 2024
Report by:	Director of Corporate Services
Wards affected:	N/A

1. Purpose

To present the Trade Union Facility Time Report 2023/24 ensuring the Council fulfils its statutory obligations in respect of the Trade Union (Facility Time Publication Requirements) 2017.

2. Recommendations

It is recommended that the Employment Committee:

- 2.1 Note the data in Appendix 1 and the fact that the Appendix will be the report published on the PCC website, and the Government maintained website.
- 2.2 Note that the data will be included in any relevant Annual Report and Accounts that are published by PCC.

3. Background

- 3.1 The Trade Union (Facility Time Publication Requirements) Regulations 2017 came into force on 1st April 2017 and were introduced as part of the Trade Union Act 2016. These regulations place a legislative requirement on "relevant public sector employers" to collate and publish, on an annual basis, a range of data on the amount and cost of facility time within the Council.
- 3.2 Relevant public sector employers are those where the employer has at least one trade union representative and 49 or more employees for seven months during the reporting period, which is the period of 12 months beginning 1 April each year.

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3.3 The Regulations specify how the data should be reported and require the Council to report separately on trade union facility time for its central function employees and its education function employees. These are defined in the report contained within Appendix 1.

4. Collection of data

4.1 Details on how the calculations are made and the definitions and scope of the regulations are outlined in Appendix 1.

4.2 To comply with the regulations from 1 April 2017 the trade unions have been requested to record their time spent on trade union duties or trade union activities with effect from this date. The accuracy of the data therefore relies on trade union officials inputting the information.

5. PCC recognised trade unions and facility time arrangements

5.1 PCC recognises Unison, Unite and GMB trade unions for central function staff and Unison, Unite, GMB, NEU, NASUWT, ASCL, Voice and NAHT trade unions/professional associations for education function staff.

5.2 Funding for the teaching trade unions in the education function is delegated to all schools and academies as a traded service for them to decide how and when to spend the money, this function is no longer held centrally by the Council. The agreement between the Council and schools is for reimbursement to be made on a daily rate of £185. If this is paid directly to the school, it is paid as a flat rate but if it is paid to an individual this is paid at £185 plus on costs. Non-teaching school employees have the facility to be represented by PCC's central function trade union officials under the Council's current Facilities Agreement, however the schools do not contribute towards the costs of funding these union representatives.

5.3 For Central Function employees the Council funds 1 FTE trade union official for each union at a total cost of £75,000 per annum until 31st March 2023. The Director of Corporate Services supports the continuation of funding arrangements as experience over the last several years has shown that higher funding levels provide unions with greater capacity to engage with management; this level of engagement has led to a positive relationship which has enabled us to move forward in a partnership approach both through the pandemic and beyond saving time, money and effort and resulting in a constructive industrial relations climate.

6. Trade Union Facility Time Provided by PCC 2023/24

6.1 Central Function employees

In addition to the statutory reporting requirements fully detailed in Appendix



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1, Members have requested the breakdown of the statutory percentage categories which is included in Table 2a as well as a benchmarking of the council's facility time and budget against other comparable local authorities reporting data for central function employees from 2023/24, Table 3. The local authorities included were determined to be comparable based on size, status and/or geography and are consistent with comparators used in other statutory reporting and benchmarking exercises.

Table 1 - Relevant Union Officials

Number of employees who were relevant union officials during the relevant period	Full-time equivalent employee number
11	10.72

The number of employees in Table 1 is made up of representatives for Unison, Unite and GMB and includes all trade union representatives that are employed during the relevant period that have recorded their time. The number of Union officials are back to numbers seen in 2019/20, which is down from the 13 in 2021/22. It appears that this fluctuation is common and remain within a consistent range.

Table 2 - Percentage of time spent on Facility Time

Percentage of time	Number of employees
0%	0
1-50%	10
51-99%	1
100%	0

The figures in this table represent the percentage of working time that employees have spent on recorded trade union facility time in the reporting period.

The majority of employees who record any facilities time fall into the 1-50% range as they have spent some time on trade union activities albeit minimal in terms of the number of hours over the year. The average percentage of working time that these employees spend on trade union facility time is less than 10%.

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Table 2a - Actual percentage of time spent on Facility Time

FTE	Total working hours per year	Time spent on trade union facilities time (hrs)	% spent on trade union facility time	% Group
1.00	1929.29	3	0.16%	Zero to 50%
1.00	1929.29	14	0.73%	Zero to 50%
1.00	1929.29	1571.8	81.47%	51% to 99%
0.8	1543.43	251.6	16.30%	Zero to 50%
1.00	1929.29	6.5	0.34%	Zero to 50%
1.00	1929.29	33.3	1.73%	Zero to 50%
0.9	1772.86	110.65	6.24%	Zero to 50%
1.00	1929.29	42	2.18%	Zero to 50%
1.00	1929.29	20	1.04%	Zero to 50%
1.00	1929.29	22.5	1.17%	Zero to 50%
1.00	1929.29	10	0.52%	Zero to 50%

Table 3

TU Facility Time Reporting Data 2022/23											
Organisation Name	Number of TU Reps	FTE of TU Reps	Number of TU reps that spend 0% working hrs	Number of TU reps that spend 1-50% working hrs	Number of TU reps that spend 51-99% working hrs	Number of TU reps that spend 100% working hrs	Total pay bill	Total cost of facility time	% of pay spent on facility time	% of hours spent on TU activities	
Brighton And Hove City Council	85	78.54	70	7	1	7	£167,386,739	£ 345,396	0.21	0	
Medway Council	8	7.1	4	3	1	0	£ 91,856,877	£ 19,092	0.02	0	
Milton Keynes Council	9	2.2	0	7	0	2	£ 80,712,218	£ 101,044	0.13	0	
Oxfordshire County Council	14	13.11	3	7	1	3	£231,436,523	£ 151,961	0.07	3.3	
Plymouth City Council	58	55.41	45	10	0	3	£ 92,714,206	£ 117,679	0.13	0	
Portsmouth City Council	12	11.92	0	11	1	0	£149,991,653	£ 66,788	0.04	7.62	
Thurrock Council	4	1.3	0	3	0	1	£ 87,073,074	£ 56,565	0.06	0	

*All LA's have between 1,501 to 5,000 employees

7. Reasons for recommendations

7.1 To comply with the legislative requirements to collect and publish data on trade union facilities time.

8. Integrated impact assessment

8.1 The contents of this report do not have any relevant equalities or environmental impacts and therefore an Integrated Impact Assessment is not required.



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9. Legal implications

9.1 This report is required to meet the relevant legislative requirements as set out in the body of the report. The requirement to release trade union officials for facilities time is also enshrined in legislation.

10. Director of Finance's comments

10.1 There are no direct financial implications arising from the recommendations in this report.

.....
Signed by (Director)

Appendices:

Appendix 1: Trade Union Facilities Report

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

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www.portsmouth.gov.uk

TRADE UNION FACILITIES REPORT - June 2024

Appendix A

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Appendix A

1.0 INTRODUCTION

The Trade Union (Facility Time Publication Requirements) Regulations 2017 came into force on 1st April 2017 and were introduced as part of the Trade Union Act 2016. These regulations place a legislative requirement on "relevant public sector employers" to collate and publish, on an annual basis, a range of data on the amount and cost of facility time within the Council.

Relevant public-sector employers are those where the employer has at least one trade union representative and 49 or more employees for seven months during the reporting period, which is the period of 12 months beginning 1 April each year.

The first report must be published by 31 July 2018 on the employer's website, a government maintained central website and, where the employer publishes an annual report, it must be included in the annual report.

The regulations specify how the data should be reported (as set out in the tables in sections 5 and 6) and require the Council to report separately on the functions as specified under these regulations, namely its central function employees and its education function employees.

2.0 DEFINITIONS

Under the regulations the following definitions apply:

Central function employees are employees of the authority or Council, other than those in the education function.

Education function employees are those employed by community, voluntary controlled, community special and maintained nursery schools. For any other employees that may be considered as education function, but do not fall under the definition in accordance with the regulations they will be included in the central function employee report.

Paid facility time hours mean the number of hours spent on facility time by an employee who is a relevant union official during a relevant period (excluding any time undertaken for which the employee does not receive any wages by the employer).

Total paid facility time hours are the total number of hours spent on facility time by TU representatives during a relevant period and when a representative would normally receive wages.

Paid trade union activities are the time taken off in respect of which a relevant union official receives wages from the relevant public sector employer.

Relevant period means a period of 12 months beginning with 1st April, the first relevant period begins on 1st April 2017 and annually thereafter.

Wages (and **Gross amount** in relation to wages) has the meaning any sums payable in connection with the relevant union official's employment and in accordance with section 27 of the Employment Rights Act 1996.

Appendix A

Working hours is in relation to any time when an employee is required to be at work in accordance with their contract of employment.

Total pay bill is the total amount of (the total gross amount spent on wages) + (total pension contributions) + (total national insurance contributions) during the relevant period.

Hourly cost for each employee: (the gross amount spent on wages) + (pension contributions) + (national insurance contributions) divided by the number of hours during the relevant period.

Total cost of facility time for each employee who is a TU representative during the relevant period, facility time cost is calculated by: (hourly cost for each employee x number of paid facility time hours). Total facility time cost is calculated by adding together the amounts produced by the calculation of facility time cost for each employee. In calculating this figure wages of any employee who can be identified from the information being published must be expressed as a notional hourly cost to represent the employee's wages.

3.0 SCOPE

Public authorities in scope include:

- An authority listed, or of a description, in Schedule 1 of the regulations
- Local Authorities
- The National Health Service
- Maintained schools and other educational institutions
- Police staff
- Any department of the Government of the United Kingdom (excluding the Secret Intelligence Service, the Security Service, and the Government Communications Headquarters)
- The Scottish Ministers

The regulations only apply to employers that have at least one TU representative and which have more than 49 full time equivalent (FTE) employees during any seven months of a 12-month relevant period.

Appendix A

4.0 CENTRAL FUNCTION EMPLOYEES

4.1 Table 1- Relevant Union Officials

Number of employees who were relevant union officials during the relevant period	Full-time equivalent employee number
11	10.72

4.2 Table 2 - Percentage of time spent on facility time

Percentage of time	Number of employees
0%	0
1-50%	10
51-99%	1
100%	0

4.3 Table 3 - Percentage of pay bill spent on facility time

	Figures
The total cost of facility time	£66,640.68
The total pay bill	£156,402,790.39
The percentage of the total pay bill spent on facility time, calculated as: (Total cost of facility time ÷ total pay bill) x 100	0.043%

4.4 Table 4 - Paid trade union activities

Time spent on paid trade union activities as a percentage of total paid facility time hours calculated as: (Total hours spent on paid trade union activities by relevant union officials during the relevant period ÷ total paid facility time hours) x 100	8.32%
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Appendix A

5.0 EDUCATION FUNCTION EMPLOYEES

5.1 Table 1- Relevant union officials

Number of employees who were relevant union officials during the relevant period	Full-time equivalent employee number
2	2

5.2 Table 2- Percentage of time spent on facility time

Percentage of time	Number of employees
0%	0
1-50%	2
51-99%	0
100%	0

5.3 Table 3 - Percentage of pay bill spent on facility time

	Figures
The total cost of facility time	£14,529.68*
The total pay bill	£41,087,364.90
The percentage of the total pay bill spent on facility time, calculated as: (Total cost of facility time ÷ total pay bill) x 100	0.035%

* This figure includes on costs (tax and national insurance) and flat rate reimbursement to schools.

5.4 Table 4 - Paid trade union activities

Time spent on paid trade union activities as a percentage of total paid facility time hours calculated as: (Total hours spent on paid trade union activities by relevant union officials during the relevant period ÷ total paid facility time hours) x 100	13.26%
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Appendix A

6.0 Data Analysis

6.1 Central Function Employees

The data has found that during the relevant period up to 31st March 2024 there were 10.72 FTE trade union officials in PCC, this is a reduction from last year where there were 11.92 FTE. There are several trade union representatives whose time is funded by the Council (services are reimbursed their employment costs for this time). These are as follows: Unite has 1 representative funded for 5 days per week, Unison has up to 3 representatives funded for 3 days per week in total (one is a reimbursement to an Academy for representation of PCC employees). GMB has one representative that is funded for 3 days per week.

The figures in this table require some clarification due to the breadth of the percentage ranges. For example, the majority of employees who record any facilities time fall into the 0-50% range, however the average percentage of working time that these employees spend on trade union facility time is less than 20%. In the 51-99% range, one employee spent 81.47% of their time on facility time.

6.2 Education Function Employees

For Teaching staff there are a small number of trade union officials that represent these groups of staff, and these are the ones who have been captured in the education function data.

The data for the education function employees found that during the relevant period up to 31st March 2023 there were 2 FTE trade union officials. The remaining representatives are who are reimbursed at a daily rate of £185 plus on costs if the employee is reimbursed directly or at a flat rate of £185 per day if the reimbursement is paid to the school.

Table 1 details the number of employees who were relevant union officials during the reporting period, this data excludes all casual workers.

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