

Agenda item:

Title of meeting: Employment Committee

Date of meeting: 25 June 2019

Subject: Trade Union Facility Reporting

Report by: Rochelle Kneller, Assistant Director of Human Resources

Wards affected: N/A

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1 To present the outcomes of the Trade Union Facility Time Report 2019, ensuring the Council can fulfil its statutory obligations in respect of the Trade Union (Facility Time Publication Requirements) 2017.

2. Recommendations

Members are recommended to:

- 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 currently being developed by the Cabinet Office.
- 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 employers 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.
- 3.3 The first report was published on 31 July 2018 on the PCC website, a Government

maintained central website and, where the employer publishes an annual report, it must be included in that report. This must continue to be reported annually.

- 3.4. The Regulations specify how the data should be reported (as set out in the tables below) 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.

The government is continuing to produce additional guidance to support the regulations, and officers will adapt the report to ensure that it meets current and future requirements.

4. PCC recognised trade unions and facility time arrangements

- 4.1 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 and provides facilities time as set out below.
- 4.2 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 the schools is for reimbursement to be made on a daily rate of £165. 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 £165 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.
- 4.3 For Central Function employees the Council previously funded 1 FTE trade union official for each union at a total cost of £75,000 per annum. In April 2017 this funding was halved to £37,500 per annum.

5. Collection of data

- 5.1 Details on how the calculations are made and the definitions and scope of the regulations are outlined in Appendix 1.
- 5.2 To comply with the regulations from 1 April 2017 the trade unions were requested to record their time spent on trade union duties or trade union activities with effect from this date. The EBS system was adapted to enable this recording to be undertaken by individual trade union representatives in the same way as they would record their annual leave and as to enable this information to be extracted.
- 5.3 The education function employees do not have access to the EBS system and provide the information through claim forms submitted on a monthly basis.
- 5.4 Due to the way that the education trade union officials report on their trade union time, assumptions have been made in the calculations. In particular, an average number of hours per day has been used based on the working week contained in teachers' contracts.

6. Trade Union Facility Time Provided by PCC 2018/19

6.1 CENTRAL FUNCTION EMPLOYEES

Table 1 - Relevant Union Officials

Number of employees who were relevant union officials during the relevant period	Full-time equivalent employee number
16	14.92

The number of employees is made up of 7 representatives for Unite, 9 for Unison and 0 for GMB and includes all trade union representatives that are employed during the relevant period.

Table 2 - Percentage of time spent on facility time

Percentage of time	Number of employees
0%	0
1-50%	15
51-99%	1
100%	0

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 1-50% range, however the average percentage of time that these employees spend on facility time is 3.48%, with only one employee in this group spending more than 10% of their time on facility time. In the 51-99% range, one employee spent 60% of their time on facility time.

Table 3 - Percentage of pay bill spent on facility time

	Figures
The total cost of facility time	£41,732.57*
The total pay bill	£113,652,253.05
The percentage of the total pay bill spent on facility time, calculated as: (total cost of facility time ÷ total pay bill) x 100	0.04%

* This figure includes on costs (tax and national insurance) and includes reimbursement back to Ark Academy for TU Rep employed by the academy.

The total cost of facility time in this table is low in comparison with the number of representatives due to the fact that 3 employees spent less than 1% on facility time and 11 spent more than 1% but less than 10% on facility time, meaning that the costs associated with this are minimal.

Table 4 - Paid trade union activities

Time spent on paid trade union activities as a percentage of total paid facility time hours calculated as:	26%
--	-----

(total hours spent on paid trade union activities by relevant union officials during the relevant period ÷ total paid facility time hours) x 100	
--	--

This table is to ascertain how much of the overall facility time is undertaken as paid activities as there is not a statutory obligation to pay this, unlike trade union duties which does have a statutory entitlement to be paid. This table is stating that 26% (which is 530 hours over the year) of the total facility time is paid trade union activity. This compares to 74% (1540 hours over the year) that is spent on trade union duties.

Examples of what would constitute trade union activities are attending branch/area/regional meetings, attending annual conferences and meeting full time officials (for example their regional officers). Under our Facility Agreement it has been agreed that Unison can have an allocation of paid time off to attend Branch meetings.

This figure is higher than the 2017/18 data for time spent on trade union activities, which may be as a result of new representatives and whether they are recording the time spent on duties and activities correctly. Reminders of what constitutes union activities and duties will be sent to the union representatives on a regular basis throughout the year to aide their understanding and to assist in improving the accuracy of the recording of facility time.

6.2 EDUCATION FUNCTION EMPLOYEES

Table 1 - Relevant union officials

Number of employees who were relevant union officials during the relevant period	Full-time equivalent employee number
6	5.8

The number of employees is made up of 5 representatives for NEU and 1 for NAHT and includes all trade union representatives that are employed during the relevant period.

Table 2- Percentage of time spent on facility time

Percentage of time	Number of employees
0%	0
1-50%	5
51-99%	0
100%	1

Table 3 - Percentage of pay bill spent on facility time

	Figures
The total cost of facility time	£39,888.88*
The total pay bill	£43,881,556.95
The percentage of the total pay bill spent on facility time, calculated as: (total cost of facility time ÷ total pay bill) x 100	0.09%

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

The total cost of facility time is significantly lower than the figure reported for 2017/18 as it is believed that there was an error in the interpretation of the data of the previous report which resulted in some figures being double counted.

Table 4 - Paid trade union activities

<p>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</p>	<p>3.47%</p>
--	--------------

7. Reasons for recommendations

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

8. Equality impact assessment

8.1 An EIA is not required for this report as the recommendations do not have an impact on any groups with protected characteristics and for the following reasons:

- This is a legal reporting requirement and the data provided is factual and cannot be altered based on the recommendations.

9. Legal implications

9.1 This report is required in order 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 financial comments.

.....

Signed by:

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

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....

Signed by: