

Title of meeting: Employment Committee

Date of meeting: 20 July 2021

Subject: Trade Union Facility Time Report

Report by: Rochelle Kneller

Wards affected:

Key decision: No

Full Council decision: No

1. Purpose of report

1.1 To present the outcomes of the Trade Union Facility Time Report 2021, 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.

- 4.1 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. This was reviewed and increased to £75,000 with effect from 1st April 2020. The Director for Corporate Services continues to support the current funding arrangements, as during this pandemic the unions have fully engaged with management and this has created a positive relationship which has enabled us to move forward in a partnership approach through the pandemic and in the future through the recovery phase.

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 2020/21

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
11	10.21

The number of employees is made up of representatives for Unite, for Unison and for GMB and includes all trade union representatives that are employed during the relevant period. By comparison the number of union officials has decreased from 14 in 2019/20.

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 require some clarification due to the breadth of the percentage ranges based on the statutory reporting categorisations as these are quite broad for reporting purposes.

For example, the majority of employees who record any facilities time fall into the 1-50% range due to the fact that they have spent **some** time on trade union facilities albeit it 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%. In the 51-99% range, only one employee spent 64% of their time on facility time.

Based on a request from Members on the breakdown of the statutory percentage categories an additional table, referred to as Table 2a, is included in this report showing the actual percentages of time spent on facility time.

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	1,929.29	15.00	0.78%	Zero to 50%
1.00	1,929.29	9.50	0.49%	Zero to 50%
1.00	1,929.29	34.00	1.76%	Zero to 50%
0.61	1,173.22	7.50	0.64%	Zero to 50%
1.00	1,929.29	33.30	1.73%	Zero to 50%
1.00	1,929.29	1,228.00	63.65%	51% to 99%
1.00	1,929.29	55.80	2.89%	Zero to 50%
1.00	1,929.29	12.50	0.65%	Zero to 50%
0.60	1,157.57	4.00	0.35%	Zero to 50%
1.00	1,929.29	32.40	1.68%	Zero to 50%
1.00	1,929.29	3.00	0.16%	Zero to 50%

Table 3 - Percentage of pay bill spent on facility time

	Figures
The total cost of facility time	£43,613
The total pay bill	£132,038,454.99
The percentage of the total pay bill spent on facility time, calculated as: (total cost of facility time ÷ total pay bill) x 100	0.03%

* 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 6 employees spent less than 1% on facility time and 4 spent more than 1% but less than 3% on facility time, meaning that the costs associated with this are minimal. The low amount of time spent on facility time is likely to have been impacted as a result of the response to the coronavirus pandemic with staff working from home, being furloughed/shielding or only focusing on business critical work.

In addition not all of the unions were able to source employees to undertake the funded secondment roles due to an inability of services to release staff from critical areas.

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	9.22%
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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 9.22% (which is 132.3 hours over the year) of the total facility time is paid trade union activity. This compares to 90.78% (1302.7 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 significantly lower than the 2019/20 data (which was 29%) for time spent on trade union activities. This drop in trade union activity of our employees can be put down to the impact of the Coronavirus pandemic, people working from home and moving into business critical only functions across the whole council during most of 2020, which meant that a lot of the 'normal' activities were not happening. The employees who are funded in their union secondments from the trade union budget were the representatives mainly involved in the various consultations around changes to the work and processes which will have led to a significant amount of time being spent on trade union duties. Therefore this figure is not likely to be a true reflection of how this time is spent during 'normal' times due to the exceptional circumstances that the pandemic has created.

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
4	3.8

The number of employees is made up of 4 representatives for NEU 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%	3
51-99%	0
100%	1

Based on a request from Members on the breakdown of the statutory percentage categories an additional table, referred to as Table 2a, is included in this report showing the actual percentages of time spent on facility time.

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	1,303.58	1,042.86	80.00%	50% to 100%
1.00	1,303.58	220.00	16.88%	Zero to 50%
1.00	1,303.58	5.00	0.38%	Zero to 50%
1.00	1,303.58	62.50	4.79%	Zero to 50%

Table 3 - Percentage of pay bill spent on facility time

	Figures
The total cost of facility time	£58,422.38*
The total pay bill	£43,745,206.27
The percentage of the total pay bill spent on facility time, calculated as: (total cost of facility time ÷ total pay bill) x 100	0.13%

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

The total cost of facility time is significantly higher than the figure reported for 2019/20 (which was £43,729.07) due to a correction on the calculation of the costs to reflect the full time figure of teaching contracts for 25 hours, rather than using the standard non-teaching 37 hours per week. In addition there has been a slight increase in the time spent on the union facilities which has increased the overall percentage of the total pay bill spent on facility time.

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>3.85%</p>
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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 and environmental impact and therefore an Integrated Impact Assessment is not required.

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 direct financial implications arising from the recommendations in this report.

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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

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Signed by: