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(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 2022/23
Date of meeting:	11 th July 2023
Report by:	Director of Corporate Services
Wards affected:	N/A

1. Purpose

To present the Trade Union Facility Time Report 2023 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 previously funded 1 FTE trade union official for each union at a total cost of £75,000 per annum. In April 2019, this funding was halved to £37,500 per annum, however in light of the Covid-19 pandemic the funding was reviewed and increased to £75,000 with effect from 1st April 2020 and continued at this level until 31st March 2023. The Director of Corporate Services supports the continuation of funding arrangements at the higher level. 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.

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6. Trade Union Facility Time Provided by PCC 2022/23

6.1 Central Function employees

In addition to the statutory reporting requirements fully detailed in Appendix 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 2022/23, 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
12	11.92

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. By comparison to 2021/22 the numbers have decreased from 13 however, this fluctuation is common. In 2019/20 there were 11 union officials so within a consistent range.

Table 2 - Percentage of time spent on Facility Time

Percentage of time	Number of employees
0%	0
1-50%	11
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	1,929.29	16.9	0.88%	Zero to 50%
1.00	1,929.29	10.0	0.52%	Zero to 50%
1.00	1,929.29	29.0	1.50%	Zero to 50%
1.00	1,929.29	18.5	0.96%	Zero to 50%
1.00	1,929.29	1,643.6	85.19%	51% to 99%
1.00	1,929.29	429.2	22.25%	Zero to 50%
1.00	1,929.29	60.3	3.13%	Zero to 50%
1.00	1,929.29	7.4	0.38%	Zero to 50%
0.92	1,772.86	91.5	5.16%	Zero to 50%
1.00	1,929.29	2.5	0.13%	Zero to 50%
1.00	1,929.29	37.0	1.92%	Zero to 50%
1.00	1,929.29	117	6.06%	Zero to 50%

Table 3

TU Facility Time Reporting Data 2021/22

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	% hours spent on TU activities
Brighton and Hove City Council	77	66.61	61	10	1	5	£185,914,166.00	£252,188.00	0.14	0
Buckinghamshire Council	14	14	7	6	1	0	£140,603,376.00	£80,770.00	0.06	1.51
Cornwall Council*	21	20.12	5	13	0	3	£165,246,601.00	£93,508.00	0.06	0
East Sussex County Council	18	16.35	11	4	3	0	£166,726,956.00	£78,859.00	0.05	0
Medway Council	7	6.42	4	2	1	0	£65,996,891.01	£18,064.98	0.03	0
Milton Keynes Council	8	7.54	5	1	0	2	£75,773,061.00	£85,390.23	0.11	0
Oxfordshire County Council*	11	10.11	2	6	0	3	£192,131,800.00	£124,012.23	0.06	1.37
Plymouth City Council	51	48.7	28	20	0	3	£83,268,462.00	£108,416.00	0.13	0
Portsmouth City Council	13	12.92	0	12	1	0	£140,818,581.00	£53,070.18	0.04	7.36
Reading Borough Council	2	2	0	0	0	2	£96,761,000.00	£80,615.00	0.08	2.99
Thurrock Council	4	3.95	0	2	1	1	£80,867,052.00	£68,621.00	0.08	0
West Sussex County Council*	42	37.84	31	8	0	3	£215,991,000.00	£141,819.00	0.07	2.07

*All LA's have between 1,501 to 5,000 employees apart from those with * which have 5,001 to 9,999 employees



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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 or environmental impacts and therefore an Integrated Impact Assessment is not required.

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.

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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