

**ESSEX POLICE, FIRE AND CRIME COMMISSIONER
FIRE & RESCUE AUTHORITY**
Essex County Fire & Rescue Service



Meeting	ECFRS Strategic Board	Agenda Item	11
Meeting Date	5 th June 2019	Report Number	
Report Author:	Hannah Phipps, T/Assistant Director of HR Martin Jones, Workforce Information Officer		
Presented By	Karl Edwards, Director of Corporate Services		
Subject	Trade Union Facility Time Report 1 April 2018 – 31 March 2019		
Type of Report:	Information		

RECOMMENDATIONS

Members are asked to note the contents of the report.

BACKGROUND

The Trade Union (Facility Time Publication Requirements) Regulations 2017 came into force on the 1 April 2017. 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 their organisation.

The regulations aim to ensure that taxpayers' funds spent on Trade Union (TU) facility time is properly monitored, reasonable and transparent.

The facility time (FT) data that organisations are required to collate and publish under the 2017 regulations are:

- Number of employees who were relevant union officials during the relevant period.
- How many employees who were relevant union officials during the relevant period spent a) 0%, b) 1 – 50%, c) 51 – 99% or d) 100% of their working hours on facility time.
- Percentage of the total pay bill spent on facility time.
- Time spent on paid trade union activities as a percentage of total paid facility time hours.

The Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (“the Authority”) formally recognises four representative bodies for the purpose of collective

bargaining and negotiation – Fire Officers Association (FOA), Fire Brigades Unions (FBU), Fire and Rescue Service Association (FRSA) and UNISON.

OPTIONS AND ANALYSIS

The range of data required is detailed below:

Relevant Union Officials

Table 1: Relevant Union Officials

Union/professional organisation	Number of employees who were relevant union officials during the relevant period	Full-time equivalent employee number
Fire Officers Association (FOA)	5	0
Fire Brigades Union (FBU)	96*	3
Fire and Rescue Service Association (FRSA)	6	0
UNISON	5	0

**This number also includes all those who are recognised as representatives who would be eligible to take time off for trade union duties but have not requested any time off during the reporting period.*

Facility Time Arrangements

There are three full time Fire Brigade Union Officials plus additional Health and Safety facility time on 'reasonable time off' basis under a separate Health and Safety facilities agreement. The Service was reimbursed by the Fire Brigades for 1.75 FTE of these posts.

Facility time for the other recognised Trade Unions is afforded on a 'reasonable time off' basis approved by line management.

Table 2: Percentage of time spent on facility time

How many of your employees who were relevant union officials employed during the relevant period spent a) 0%, b) 1 – 50%, c) 51 – 99% or d) 100% of their working hours on facility time?

Percentage of time	Number of employees
0%	90
1-50%	19 ¹
51–99%	0
100%	3

Note 1): this figure includes 11 employees who spent more than 0%, but less than 1% of their annual contracted hours on union facility time.

The Service recognises that Health & Safety is an essential element of Trade Union time and the system is being developed to ensure that future reports can provide this detail.

Trade Union duties:

- Duties connected with collective bargaining – e.g. on terms and conditions of employment, redundancy, allocation of work.
- Taking part in a negotiation or consultation process – including meeting and corresponding with managers, and informing union members of progress and outcomes.
- Attending a disciplinary or grievance hearing with trade union members, including reasonable time to prepare.
- Attending training for the union representative role.

Trade Union Activities:

- Discussing internal union matters.
- Dealing with internal administration of the union – for example, answering union correspondence meetings other than as part of the negotiating or consultation process.

Health & Safety Activities:

- Duties connected with H&S TU activity.

Trade Union Facility Time Costs

Table 3: Percentage of pay bill spent on facility time

Provide the figures requested in the first column of the table below to determine the percentage of your total pay bill spent on paying employees who were relevant union officials for facility time during the relevant period.

First column	Figures
Provide the total cost of facility time	£55,105 ²
Provide the total pay bill	£49,432,302
Provide the percentage of the total pay bill spent on facility time, calculated as: (total cost of facility time ÷ total pay bill) x 100	0.11%

Note 2): this figure includes the annual salaries of two employees seconded to FBU activities on a full time basis where one salary is funded by the FBU and the other 75% of the salary is covered by the FBU.

** This includes employer costs such as NI and pension contributions where applicable.*

The National figures for 2017-18 had all Fire and Rescue Services reporting costs as less than half of 1% of the pay bill. Within that range, a rate of 0.25% would be the second highest figure as the majority of Services were reporting under 0.2% with only Cheshire FRS exceeding it at 0.3%.

Table 4: Paid trade union activities

As a percentage of total paid facility time hours, how many hours were spent by employees who were relevant union officials during the relevant period on paid trade union activities?

Time spend on paid trade union activities as a percentage of total paid facility time hours calculated as: 100%

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

BENEFITS AND RISK IMPLICATIONS

The arrangements for supporting TU facility time are unchanged from the previous years.

Changes proposed are:

- Guidance documents for reporting Trade Union Facility Time using the new Civica system.
- A uniform and published approach to recording is needed to enable and ensure more accurate annual reporting and cost analysis.

Currently, it is unclear if all representatives are accurately recording all of their facilities time as a number of representatives have hours recorded as trade union facilities time and hours recorded as trade union absence and others recording trade union time as TOIL.

FINANCIAL IMPLICATIONS

The cost of facility time is set out within the report.

EQUALITY AND DIVERSITY IMPLICATIONS

There are no equality and diversity implications associated with this paper.

WORKFORCE ENGAGEMENT

LEGAL IMPLICATIONS

Trade Union representatives have a statutory right to reasonable paid time off to carry out trade union duties and activities, to undergo training and to accompany a worker to a grievance or disciplinary hearing. TU learning representatives have the right to reasonable paid time off to perform their duties and undergo training. Employees who are TU officials are permitted reasonable paid time off to:

- Carry out their duties in connection with: negotiations in relation to collective bargaining;
- The performance of other permitted functions related to collective bargaining;
- Information and consultation over collective redundancies or TUPE transfers and;
- Agreeing new terms of the workforce following a TUPE transfer in an insolvency situation.

Undergo training in aspects of industrial relations relevant to those duties which has been approved by the Trades Union Congress or by their own Trade Union. Accompany a fellow worker to a disciplinary or grievance hearing.

Employees who are members of a Trade Union can take reasonable time off to perform duties as a Union learning representative, providing that the relevant Trade Union has given the Service notice in writing that the employee is a learning representative of the Union and that the representative is, or will be, sufficiently trained to carry out the learning representative duties.

There is no requirement to pay for time off where the duty is carried out at a time when the union representative would not otherwise have been at work unless he or she works atypical hours and comes in to the workplace to undertake recognised union activities.

The amount of time off which an employee acting on behalf of the trade union is permitted to take, together with the purposes for which that time off is requested must be reasonable in all the circumstances.

What is reasonable will depend on the circumstances, having considered all relevant provisions of the ACAS Code of Practice (section 168(3) and section 168A (8) TULRCA.

The Authority is satisfied that the current arrangements for Trade Union Facilities meet the statutory requirements.

HEALTH AND SAFETY IMPLICATIONS

There are no health and safety implications associated with this paper.