



Meeting	Service Leadership Team	Agenda Item	5e
	Strategic Board		12
Meeting Date	11 May 2021		
	15 June 2021		
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Subject:	Trade Union Facility Time Report 1 April 2020 – 31 March 2021		
Type of Report:	Information		

RECOMMENDATIONS

This report is for information only.

OVERVIEW

All public sector organisations that employ more than 49 full-time employees are required to submit data relating to the use of facility time in their organisation. The reporting period for this year's submission is 1 April 2020 to 31 March 2021. This report details the trade union facility time data usage which will be submitted to the Cabinet Office by 31 July 2021.

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 Union (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)	59*	2
Fire and Rescue Service Association (FRSA)	6	0
UNISON	3	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 currently two full time Fire Brigade Union Officials plus additional 0.5 FTE Health and Safety facility time for statutory consultation under a separate Health and Safety facilities agreement. The Service was reimbursed by the Fire Brigades Union for 1 FTE of these posts. A seconded Regional Secretary took up a National Officer position with the FBU during 2020-21 and therefore the costs associated with this position is only until he resigned from post in early 2020-21.

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%	30
1-50%	40 ¹
51–99%	1 ²
100%	2

Note 1): this figure includes 29 employees who spent more than 0%, but less than 1% of their annual contracted hours on union facility time.

Note 2) this figure reflects one individual that left the Service early in 2020-21, but who was 75% funded by the FBU up until the point they left the organisation.

The Service recognises that Health & Safety is an essential element of Trade Union time and as such we are investigating was of ensuring any future Trade Union Facility Time can be separated between three key categories on Civica:

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 required 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	£135,708 ³
Provide the total pay bill (including pension contributions and NI contributions)	£ 58,364,342
Provide the percentage of the total pay bill spent on facility time, calculated as: (total cost of facility time ÷ total pay bill) x 100	0.23%

Note 3): this figure includes the annual salaries of two current employees seconded to FBU activities on a full time basis, where both salaries are fully funded by the FBU. Also included is a pro-rata amount of salary for an employee that left the Service early in 2020/21 and whose salary was 75% funded by the FBU.

The % of total pay in 2019-20 was 0.27%.

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

There were a total of twenty Fire and Rescue Services in addition to Essex Fire who provided data to the Cabinet Office for the period 1 April 2019 to 31 March 2020. Of the twenty that reported Essex had the second highest percentage of the total pay bill spent on facility time. If the data return from other Fire and Rescue Services for the period 1 April 2020 to 31 March 2021 remain similar Essex Fire will remain in the upper quartile.

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.

Currently, representatives are recording their facility time in a number of slightly different ways on Civica. To ensure the reporting of data is as straight forward as possible further guidance will be provided to all trade unions.

FINANCIAL IMPLICATIONS

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

EQUALITY AND DIVERSITY IMPLICATIONS

This report is for information only and not for decision therefore there are no equality and diversity implications associated with this paper.

Is this decision anticipated to have an impact on any of the following protected groups as defined within the Equality Act 2010:

<i>Race</i>	<i>No</i>	<i>Religion or belief</i>	<i>No</i>
<i>Sex</i>	<i>No</i>	<i>Gender reassignment</i>	<i>No</i>
<i>Age</i>	<i>No</i>	<i>Pregnancy & maternity</i>	<i>No</i>
<i>Disability</i>	<i>No</i>	<i>Marriage and Civil Partnership</i>	<i>No</i>
<i>Sexual orientation</i>	<i>No</i>		

WORKFORCE ENGAGEMENT

We meet regularly with our representative bodies. We listen to our employees through our annual Employee Survey. There are regularly opportunities for two way communication via forums such as 'Your Voice', 'Manager Briefing' and 'Managers Cascade'.

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.