



Meeting	Performance and Resources Board	Agenda no.	9
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Subject	Trade Union Facility Time Report 1 April 2021 – 31 March 2022		
Type of Report:	Information		
Action Point No.	n/a	For Publication	Yes

RECOMMENDATIONS

None. This report is for information only.

EXECUTIVE SUMMARY

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 2021 to 31 March 2022. This report details the trade union facility time data usage which will be submitted to the Cabinet Office by 31 July 2022.

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 *	2.0 **
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.

** this number includes the FTE of a seconded Service employee that left early during 2021-22, who was fully funded by the FBU

Facility Time Arrangements

There is currently one full time Fire Brigade Union Official plus additional 0.5 FTE Health and Safety facility time for statutory consultation under a separate Health and Safety facilities agreement. One employee is seconded to the Fire Brigades Union and the Service was reimbursed by the FBU for the post for the basic salary, excluding National Insurance or pension contributions.

One UNISON official stood down from their position in early 2021-22 reducing the number of employees who are relevant union officials now to 2.

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%	15
1-50%	56 ¹
51–99%	0
100%	2 ²
	73

Note 1): this figure includes 40 employees who spent more than 0%, but less than 1% of their annual contracted hours on union facility time.

Note 2) this figure includes one individual that left the Service early in 2021-22, but who was 100% 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 ways 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 total cost of facility time	£101,760 ³
Provide the total pay bill (including pension contributions and NI contributions)	£60,158,710
Provide the percentage of the total pay bill spent on facility time, calculated as: $(\text{total cost of facility time} \div \text{total pay bill}) \times 100$	0.17%

Note 3): this figure includes the annual salaries of the two (one current and one former) employees seconded to FBU activities on a full-time basis. This figure includes a pro-rata amount of salary for the former employee that left the Service early in 2021-22. Only one of these roles is fully funded by the FBU.

The % of total pay in 2020-21 was 0.23%. This includes employer costs such as NI and pension contributions where applicable.

There were a total of thirteen Fire and Rescue Services in addition to Essex Fire who provided data to the Cabinet Office for the period 1 April 2020 to 31 March 2021. Of the thirteen that reported, Essex had the highest percentage of the total pay bill spent on facility time with 0.23 with Cleveland Fire and Rescue having the second highest percentage at 0.2. If the data return from other Fire and Rescue Services for the period 1 April 2021 to 31 March 2022 remain similar Essex Fire will remain in the upper quartile.

Table 4: Paid trade union activities

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

$(\text{total hours spent on paid trade union activities by relevant union officials during the relevant period} \div \text{total paid facility time hours}) \times 100$

RISKS AND MITIGATIONS

Supporting and enabling our representative bodies is part of mitigating all our people related risks.

LINKS TO FIRE AND RESCUE PLAN

This is linked to the priority of promoting a positive culture in the workplace, in particular; 'involve, consult and inform our staff so they understand how they can contribute to our Service'.

FINANCIAL IMPLICATIONS

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

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 into 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.

STAFFING IMPLICATIONS

As detailed above.

EQUALITY AND DIVERSITY IMPLICATIONS

We have considered whether individuals with protected characteristics will be disadvantaged as a consequence of the actions being taken. Due regard has also been given to whether there is impact on each of the following protected groups as defined within the Equality Act 2010:

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

The Core Code of Ethics Fire Standard has been fully considered and incorporated into the proposals outlined in this paper.

HEALTH AND SAFETY IMPLICATIONS

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

CONSULTATION AND ENGAGEMENT

Regular meetings are held with representative bodies.

FUTURE PLANS

A Union Facility Time Review is being undertaken looking at the following broad criteria: consistency of approach for all recognised trade unions, pooled facility time funds, reporting arrangements, reviewing of framework agreements, identifying where good practice already exists and can be adopted and/or adapted.

LIST OF BACKGROUND PAPERS AND APPENDICES

None.