

Essex Fire Authority

Essex County Fire & Rescue Service



MEETING

AGENDA ITEM

Essex Fire Authority

14

MEETING DATE

REPORT NUMBER

12th April 2017

EFA/053/17

SUBJECT

Trade Union Facility time 2016-17 report and the Joint Negotiation and Consultation Arrangements

REPORT BY

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PRESENTED BY

Mark Stagg, Director of Transformation

SUMMARY

The purpose of this report is to provide an annual update on the use of Trade Union Facility time in accordance with the Local Government Transparency Code 2015. The report provides information which must be published in accordance with the code for the twelve month period April 2016 to March 2017. The reporting requires an estimate of spend and percentage of the total pay bill being required only for employees who spend the majority of their time on union duties.

RECOMMENDATIONS

Members of the Essex Fire Authority are asked to note the contents of the report.

BACKGROUND

Trade Union Facility Time

The DCLG Local Government Transparency Code 2015 places a requirement on Local Authorities to publicise a range of information which includes Trade Union Facility time. Essex Fire Authority has historically received reports on Trade union Facility time on an annual basis. The code requires information as follows:

- The total number (absolute number and full time equivalent) of staff who are union representatives (e.g. general, learning and health and safety representatives);

- The total number (absolute number and full time equivalent) of union representatives who devote at least 50 per cent of their time to union duties;
- The names of all trade unions represented in the local authority;
- A basic estimate of spending on unions (calculated as the number of full time equivalent days spent on union duties by authority staff that spent the majority of their time on union duties multiplied by the average salary); and
- A basic estimate of spending on unions as a percentage of the total pay bill (calculated as the number of full time equivalent days spent on union duties by authority staff that spent the majority of their time on union duties multiplied by the average salary divided by the total pay bill).

The Essex Fire Authority formally recognises four representative bodies for the purposes of collective bargaining and negotiation. Figure 1 below summarises the number of staff who are representatives of each of these Unions and the total number who devote at least 50% of their time to Union duties:

Figure 1

Union/professional organisation	Number of representatives	Full time equivalent	Total number who devote at least 50% of time to union duties
<i>Fire Officers Association</i>	1	0	None
<i>Fire Brigades Union</i>	96	3	2.5
<i>Retained Fire Brigades Union</i>	9	<i>n/a as carried out in addition to contracted time</i>	None
<i>Unison</i>	5	0.04	None

The Authority has a formal facilities agreement with the Fire Brigades Union which affords 2.0 full time equivalent (FTE) in paid facility time. This is currently distributed across a 1.0 FTE general seconded role and 0.5 to support Health and Safety activities with the remainder being distributed across other FBU representatives. Additional Health and Safety facility time is approved on 'reasonable time off' basis under a separate Health and Safety facilities agreement. There is also a temporary agreement for 1 FTE to support regional Fire Brigades Union business to benefit the Fire Authority which will conclude in March 2018. It should be noted that last year the Authority only paid 25% of these costs therefore an increase of 0.75 FTE of those who devote at least 50% of time to union duties.

Facility time for the other recognised Trade Unions is afforded on a 'reasonable time off' basis approved by line management. There is a local agreement to pay a retired representative to undertake union duties on behalf of the Retained Firefighters Union on an hourly rate, invoiced monthly plus some additional facility time provided for another 8 officers.

The basic estimated spend on Unions, calculated as the number of full time equivalent days spent on union duties by authority staff that spent the majority of their time on union duties multiplied by the average salary is **£96,323.50** including on-costs.

The basic estimate of spending on unions as a percentage of the total pay bill, calculated as the number of full time equivalent days spent on union duties by authority staff that spent the

majority of their time on union duties multiplied by the average salary divided by the total pay bill, is **0.19%**.

Please note that the Transparency Code 2015 requires reporting on estimated spend for Authority staff that spent the majority of their time on union duties, and therefore spend for union representatives who do not spend the majority of their time on union duties has not been included.

Joint Negotiation and Consultation Arrangements

Figure 2 details Trade Union density for the Authority's recognised Trade Unions over the last six years (where known):

Figure 2

Trade Union	01/4/2017	1/4/2016	1/4/2015	01/04/2014	01/04/2013	01/04/2012
Fire Brigades Union	170	431	852	992	919	915
Retained Fire Brigades Union	83	87	95	68	92	83
Unison (inc non-political)	21	22	22	40	34	31
Fire Officers Association	not known	not known	not known	not known	not known	not known
TOTAL	274	540	969	1100	1045	1029

For 2016 onwards the number of members of unions was unknown as workers were given the option to pay their trade union subscriptions by other means rather than through payroll deductions.

Joint Negotiation and Consultation Arrangements

The Joint Negotiation and Consultation Committee (JNCC) was reconstituted in January 2017 and meetings are held every two months made up of Service Managers and representatives from the FBU.

The Trade Union (Facility Time Publication Requirements) Regulations 2017

The Trade Union (Facility Time Publication Requirements) Regulations 2017 came into force on 1st April 2017, the Fire Authority will therefore publish a more detailed report next year, by the 31st July 2018, in respect of the period 1st April 2017 to 31st March 2018 and will be published annually thereafter using the same timetable as defined by the regulations.

The Essex Fire Authority will review current processes to ensure we are able to record how many working hours each of the trade union officials in the organisation spend on trade union duties and activities and, in the case of activities, how much of that time is paid and unpaid.

RISK MANAGEMENT IMPLICATIONS

The arrangements for supporting TU facility time are unchanged from previous years and no change is proposed.

FINANCIAL IMPLICATIONS

The financial implications are detailed within the report.

LEGAL AND EQUALITY IMPLICATIONS

Trades 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.

They are also permitted reasonable time off to 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, and to accompany a fellow worker to a disciplinary or grievance hearing.

Union learning representatives have a right to reasonable paid time off to perform their duties and undergo training.

In each of these cases the employee is entitled to a reasonable amount of time off. What is reasonable will depend on the circumstances, having regard to any relevant provisions of the ACAS Code of Practice (section 168(3) & section 168A (8) TULRCA.

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

USE OF RESOURCE IMPLICATIONS

There are no use of resource implications associated with the content of this report

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with the content of this report

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985	
List of appendices attached to this paper:	
List of background documents (not attached):	
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