

# Essex Police, Fire and Crime Commissioner Fire & Rescue Authority Essex County Fire & Rescue Service



Meeting	<b>Service Leadership Team</b>	Agenda Item	3d
Meeting Date	1 <sup>st</sup> May 2018	Report Number	18-102
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Subject	<b>Trade Union Facility Time 2017 - 2018</b>		
Type of Report:	Information		

## 1. Introduction and Scope

The purpose of this report is to provide an annual update and information about the Trade Union Facility time in accordance with the Facility Time Publication Requirements Regulations 2017, which took effect from 1 April 2017. Following the enactment of the Trade Union Act 2016, which was passed in May 2016, the regulations outline the Service obligations as a public sector body. One of the elements of this Act requires employers in the public sector to publish information on facility time annually.

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

## 2. Background

Essex Police, Fire and Crime Commissioner Fire and Rescue Authority ("the 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.

**Figure 1**

Union /Professional Organisation	Number of Representatives	Full Time Equivalent (FTE)
Fire Officers Association	2	0
Fire Brigades Union	96	3
Retained Fire Brigades Union	9	n/a time carried out in addition to contracted time
Unison	5	0

Historically, the Authority received reports on Trade Union Facility time on an annual basis.

This information has previously included;

- The total number of staff who are union representatives, i.e. absolute and full time equivalent across learning, health and safety and general representatives;
- The total number 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 Authority;
- An estimated spend which was calculated as (the number of full time equivalent days spent on union duties by authority staff who spend the majority of their time on union duties multiplied by the Authority's average salary);
- An estimate of spending on unions as a percentage of the total pay bill which was calculated as (the number of full time equivalent days spent on union duties by the Authority staff that spent the majority of their time on union duties multiplied by the average salary divided by the total pay bill).

### Joint Negotiation and Consultation Arrangements

Figure 2 below details Trade Union density for the Authority's recognised Trade Unions over the last 7 years (where known):

**Figure 2**

Trade Union	01/4/2018	1/4/2017	1/4/2016	1/4/2015	1/4/2014	1/4/2013	1/4/2012
Fire Brigades Union	111	170	431	852	992	919	915
Retained Fire Brigades Union	79	83	87	95	68	92	83
Unison (include non-political)	22	21	22	22	40	34	31
Fire Officers Association	Not known	Not known	Not known				
<b>TOTAL</b>	<b>212</b>	<b>274</b>	<b>540</b>	<b>969</b>	<b>1100</b>	<b>1045</b>	<b>1029</b>

In 2016 employees were given the option to pay their trade union subscriptions by other means rather than through payroll deductions, as such the number of members of unions are not fully known. The figures reported above only represent those members who continue to pay their subscriptions through payroll.

The Joint Negotiation and Consultation Committee (JNCC) was reconstituted in January 2017 and have meetings monthly made up of Service managers and representatives from all 4 unions.

### 3. Publication Requirements

The facility time (FT) data which the Authority is now required to collate and publish under the 2017 regulations are clearly set out as:

1. Number of trade union representatives
2. Percentage of trade union representative time spent on facility time
3. Percentage of total pay bill spent on facility time
4. Percentage of paid facility time spent on trade union activities

### 4. Trade Union (TU) Representative

**Figure 3** confirms the total number of employees who were TU representatives during the relevant period.

<i>Number of employees who were relevant union officials during the relevant period</i>	<i>FTE employee number</i>
112	3

The number of employees who were noted directly by the Trade Union repetitive bodies themselves as being union officials for the relevant period is 112

### 5. Percentage of Time spent on facility time

**Figure 4** represents the employees who were TU representatives officials employed during the relevant period and the percentage breakdown spent a) 0%, b) 1%-50%, c) 51%-99% or d) 100% of their working hours on facility time.

<i>Percentage of time</i>	<i>Number of employees</i>
0% and under	7
1-50%	8
51%-99%	0
100%	3 – <i>This individuals do not record any time spent on union activities on the Service's time and attendance system.</i>

It is important to note that the reported figure represents only Union Facilities *attendance* which were recorded by **15** individuals during the 2017-18 Financial Year.

14 of these were Operational employees, 1 was a Support employee.

Each of these employees works on a Full Time basis, therefore 15 FTE's who spend a portion of their time on union responsibilities.

Based upon the Union Facilities recorded attendance, the 15 employees recorded their time as follows:

#### Figure 4.1

<b>Employee</b>	<b>% of Contracted Hours spent on Union Facilities time</b>
Employee 1	0.2%
Employee 2	0.2%
Employee 3	0.2%
Employee 4	0.4%
Employee 5	0.4%
Employee 6	0.5%
Employee 7	0.7%
Employee 8	1.4%
Employee 9	1.5%
Employee 10	2.5%
Employee 11	3.3%
Employee 12	3.5%
Employee 13	4.5%
Employee 14	4.8%
Employee 15	12.2%

## **6. Percentage of Pay Bill spent on facility time**

**Figure 5**

<i>First Column</i>	<i>Figures</i>
Provide the total cost of facility time	£78,469.89
Provide the total pay bill	£566,823.00
Provide the percentage of the total pay bill spent on facility time, calculated as: (total cost of facility time ÷ total pay bill) x 100	13.8%

The information noted in figure 5 does not include 1 FTE who remains unaccounted for due to data not being supplied and facilities time not being recorded for this individual on the Service's systems.

## **7. Paid Trade Union activities**

Time spent on paid TU activities as a percentage of total paid facility time hours calculated as: (total hours spent on paid TU activities by TU representatives during the relevant period ÷ total paid facility time hours) x 100 is currently unavailable.

The Service does not possess this information as TU representatives have not historically or currently been asked to record this.

We are investigating methods and routes to capture this information for future reports by enabling specific recording functions in the new system – Carval.

## **8. Risk Management Implications**

The arrangements for supporting TU facility time are unchanged from previous years. Changes proposed are:

1. Transparency of all trade union representatives and names of all FTE.

## 2. Implementation of a uniformed method of reporting trade union activities.

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.

A uniform and published approach to recording is needed to enable and ensure more accurate annual reporting and cost analysis.

## 9. Financial Implications

The financial implications are detailed within the report.

## 10. Legal 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. TU learning representatives have a 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 for 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.

## **11. Equality Implications**

There are no equality implications associated with this paper.

## **12. Environmental Implications**

There are no environmental implications associated with this paper.

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