



Meeting	Performance and Resources Board	Agenda no.	12
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Subject	Trade Union Facility Time Report 1 April 2023 – 31 March 2024		
Type of Report:	Information		
Action Point No.		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 2023 to 31 March 2024. This report details the trade union facility time data usage which will be submitted to the Cabinet Office by 31 July 2024.

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:

1. Number of employees who were relevant union officials during the relevant period. (see **Table 1**)
2. 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. (See **Table 2**)
3. Percentage of the total pay bill spent on facility time. (See **Table 3**)
4. Time spent on paid trade union activities as a percentage of total paid facility time hours. (See **Table 4**)

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)	2	0
Fire Brigades Union (FBU)	38 ¹	0
Fire and Rescue Service Association (FRSA)	61 ²	0
UNISON	2	0

Note 1: This number includes Wholetime colleagues that are known to be FBU officials/representatives but have not logged any TU facilities time during the reporting period, alongside all other Wholetime colleagues that have logged facility time.

Note 2: This number includes On Call colleagues that are known to be FRSA officials/representatives but have not logged any TU facilities time during the reporting period, alongside all other On Call colleagues that have logged facility time.

Facility Time Arrangements

There are currently no full time Fire Brigade Union officials. 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%	0
1-50%	92 ¹
51–99%	0
100%	0

Note 1): this figure includes 78 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. In September 2022 a new functionality on Civica was launched ensuring that Trade Union Facility Time can be separated between three key categories. This is the first year for which detailed information is available and can be found:

a. 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.

b. 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.

c. Health & Safety Activities:

- Duties connected with H&S TU activity.

Table 3: Percentage of time spent on activities

Activity Type	Percentage of all recorded time
a. Trade Union duties	88.3%
b. Trade Union activities	7.6%
c. Health & Safety activities	4.2%

Trade Union Facility Time Costs

Table 4: Percentage of pay bill spent on facility time

During the last reporting period, 1 April 2022 to 31 March 2023, there were a total of 23 Fire and Rescue Services, including Essex Fire, who provided data to the Cabinet Office. (8 of these were reported as a function within County Council figures). Of the 15 separate Fire and Rescue Services that reported last year, Essex Fire dropped one place to 7th lowest (6th lowest previous year) position they achieved the year before. Essex reported 0.08% of the total pay bill was spent on facility time. Cheshire Fire and Rescue Service was the highest at 0.2%. Shropshire Fire and Rescue and Cumbria Fire and Rescue were joint lowest at 0.02%.

The % of total pay in **2023-24** reporting period was 0.05% (0.08% in 2022-23) a reduction of 0.03%. This includes employer costs such as NI and pension contributions where applicable.

Paid trade union activities as a percentage of total paid facility time hours	£ / %
Provide the total cost of facility time	£32,668 (last year 54,459)
Provide the total pay bill (including pension contributions and NI contributions)	£69,370,346.47
Provide the percentage of the total pay bill spent on facility time, calculated as: <i>(total hours spent on paid trade union activities by relevant union officials during the relevant period ÷ total paid facility time hours) x 100</i>	0.05%

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) TULR(C)A (1992).

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

The actions being taken will not have a disproportionate impact on individuals with protected characteristics (as defined within the Equality Act 2010), when compared to all other individuals and will not disadvantage people with protected characteristics.

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.