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# Special General Purposes Committee

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WEDNESDAY, 4TH MAY, 2011 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Meehan (Chair), Khan, Waters, Whyte, Wilson, Rice (Vice-Chair) and Bloch

## AGENDA

### 1. APOLOGIES FOR ABSENCE (IF ANY)

### 2. URGENT BUSINESS

The Chair will consider the admission of any late reports in relation to the items shown on the agenda.

(Please note that under the Council's Constitution - Part 4 Section B paragraph 17 – no other business shall be considered).

### 3. DECLARATIONS OF INTEREST

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct **and/or** if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

**4. DEPUTATIONS/PETITIONS**

To consider any requests received in accordance with Part 4, Section B, paragraph 29 of the Council's constitution.

**5. YOUTH CONNEXIONS AND PARTICIPATION**

The Committee to consider the proposed restructure of Youth, Connexions and Participation services. **(Report to follow)**

**6. TRADE UNION FACILITIES, DUTIES, ACTIVITIES AND TIME OFF ARRANGEMENTS ACROSS THE COUNCIL (PAGES 1 - 14)**

The report contains proposals to amend the trade union facilities , duties, activities and time off arrangements across the Council with a view to reducing expenditure on current time off provision.

**7. ITEMS OF EXEMPT URGENT BUSINESS**

David McNulty  
Head of Local Democracy and  
Member Services  
5<sup>th</sup> Floor  
River Park House  
225 High Road  
Wood Green  
London N22 8HQ

Ayshe Simsek  
Principal Committee Co-ordinator  
Tel No: 020 8489 2929  
Fax No: 0208 489 2660  
Email: ayshe.simsek@haringey.gov.uk

Wednesday 20 April 2011



Agenda item:

**[No.]****General Purposes Committee****On 4 May 2011**

Report Title: Trade Union Facilities, Duties, Activities and Time Off Arrangements across the Council.

Report of **Stuart Young, Assistant Chief Executive (People & OD)**

Signed :

Contact Officer : Steve Davies, Head of Human Resources, 020 8489 3172

### **1. Purpose of the report**

This paper seeks to amend the trade union facilities, duties, activities and time off arrangements across the Council with a view to reducing expenditure on current time off provision.

### **2. State link(s) with Council Plan Priorities and actions and /or other Strategies:**

2.1. Links to the council requirement to achieve a balanced budget over the next three financial years.

### **3. Recommendations**

- 3.1. That Members agree to the recommended changes to the trade union time off provision as described in paragraphs 7. In summary this means a reduction of 4.6 full time equivalent (FTE) in Branch Officer and Employee side time off and reducing the scope of the paid time off for attendance at accredited conferences.
- 3.2. That Members agree the revised policy for Trade Union Facilities and Time Off Arrangements at appendix A and note that these arrangements have now

been harmonised to include teaching unions as well as the non teaching unions

- 3.3. That Members agree to change the time off agreements from 1 April 2011 but implementation of the reduction in time off for NUT and Unison will take effect from 1 January 2012 to allow time for appropriate notice and furtherance of good employee relations during the coming months of further significant organisational change. Changes for the other unions and employee side will take place from 1 July 2011.
- 3.4. That committee note these provisions will be reviewed annually by the Head of Human Resources and reported to the new Corporate Committee if changes to the branch officer time off levels are recommended.

#### **4. Reason for recommendations**

- 4.1. The current economic situation means the council is required to make substantial efficiency savings on council expenditure in order to set a legal budget. Therefore a review of the trade union facilities, duties, activities and time off arrangements has been undertaken in order to reduce council expenditure in the time off provision.

## 5. Current Arrangements/Background Information

### 5.1. Time Off for Trade Union duties - Non Teaching Unions (Unison, Unite and GMB)

5.1.1. The Council's policy for trade unions facilities and time off arrangements was agreed at GP Committee on 29 June 2006. The policy provides a formula for calculation of full time release as follows:

- 1 full time union officer per 550 union members (rounded up to the nearest 0.5 fte) and capped at 6.5 full time releases.
- A minimum facility of 1 full time equivalent release for any union that is recognised.
- In addition 1 Full Time equivalent is allocated to the Employee Side (inc health & safety liaison duties) and reasonable time off is given to local shop stewards/learning representatives/safety representatives in order to undertake trade union duties and activities.

5.1.2. In accordance with the current policy trade unions are granted the following levels of time off at present;

Union	Membership numbers	Branch Officers FTE	Cost 2010 inc on-costs
Unison	3777	6.5	£245,728
Unite	67	1.0	£36,453
GMB	266	1.0	£33,643
Employee Side	n/a	1.0	£39,407
<b>TOTAL</b>	4110	9.5	<b>£355,231</b>

5.1.3. A benchmarking survey of London boroughs undertaken by London Councils showed that Haringey ranks 11th in the league table of London boroughs in terms of number of union members per seconded trade union official.

5.1.4. We currently have 8.5 full time equivalent trade union officials on secondment (excluding 1.0 fte Employee Side) the average of the other London boroughs is 4.4.

5.1.5. The union membership in UNITE and GMB are very low i.e. 67 and 266 respectively (check off figures). These unions have been unable to produce higher verified figures of union membership although both claim they have higher levels of membership. Each of these unions currently has the equivalent of 1.0 full time official which is extremely generous.

## 5.2. Time Off for Trade Union duties - Teaching Unions and Associations (NUT, ATL, ASCL, NAHT, NASUWT)

5.2.1. Teaching trade unions and associations are granted the following time off at present;

Union	Membership numbers	Branch Officers FTE	Cost 2010 inc on-costs
NUT -National Union of Teachers	1748	2.0	£113,660
ATL (Ass of Teachers & Lecturers)	130	0.2	Vacant
ASCL – Ass of College & School Lecturers	53	0.2	£14,553
NAHT – National Ass of Head Teachers	96 (tbc)	0.1	£3,920
NASUWT – National Ass of Schoolmasters & Union of Women Teachers	423 (tbc)	0.1	Vacant
<b>TOTAL</b>	<b>2450</b>	<b>2.6</b>	<b>£132,133</b>

5.2.2. We currently have 2.6 full time equivalent trade union officials representing these unions and Associations at a local level. One trade union official is also a member of the National Executive, for which any work is undertaken within the current facilities time allocated. One trade union official is also the Secretary of the Haringey Teachers' Panel, for which any work is undertaken within the current facilities time allocated.

5.2.3. We currently have 2.6 full time equivalent trade union officials on secondment with the average of the London boroughs surveyed being 1.7 full time official.

5.2.4. Although no comparative London borough survey is conducted for teaching unions, from information we have obtained from a number of London boroughs we appear to be generous in giving time off to the NUT compared to other London boroughs surveyed who tend to grant on average time off of 1 full time equivalent official or 5 days a week.

5.2.5. The union membership in ASCL/ATL/NAHT/NASUWT are very low respective to the NUT membership. ATL & ASCL have 0.2 full time officials; NAHT and NASUWT have 0.10 full time officials.

5.2.6. The NUT facilities time is paid directly through the salaries of the 2 full time officials. The facilities time of the other unions is paid termly as a reimbursement to the relevant school where the union official is based, regardless of the actual hours spent on union/association business.

### **5.3 Conferences**

5.3.1 Time off with pay is currently granted to delegates nominated by the trade unions to enable attendance at accredited Trade Union conferences. For the non-teaching unions these are normally attended by shop stewards which is in addition to release time as mentioned above. For the teacher unions these conferences are normally held during the school holidays so no additional time off is normally granted.

## **6. Proposals for Change**

6.1. A number of meetings have taken place between the Head of Human Resources/Head of Schools Personnel/Deputy Director of Business Support & Development, CYPS with the Employee Side Secretary of the Joint Consultative Committee and representatives of Unison, Unite, NUT, ASCL, ATL, GMB and NASUWT.

6.2. Five meetings have taken place on 19 & 25 November 2010, 2 December 2010, 20 January 2011, and 29th March 2011.

6.3. It is proposed that the Head of Human Resources will allocate reasonable time off for branch officer roles to all the trade unions taking into account the following criteria:

- a) Union membership numbers
- b) The volume and complexities of Corporate Industrial Relations issues taking place in the organisation.
- c) The volume and complexities of Local Industrial Relations issues taking place in the organisation.
- d) A minimum of 0.1 facility time will be granted to each recognised trade union. In addition for unions with 0.1 or 0.2 facility time reasonable time off will be also be granted in recognition of casework preparation and representation at meetings.

6.4. Based on current levels of Corporate and Local Industrial Relation issues within the Council and current union membership numbers the Head of Human Resources proposes that the following time off should be granted for Branch Officers:

<b>UNION</b>	<b>Membership</b>	<b>Current time off - FTE</b>	<b>New time off - FTE</b>
Unison	3777	6.5	5.0
NUT	1748	2.0	1.0
GMB	266	1.0	0.2
Unite	67	1.0	0.1
ASCL	53	0.2	0.1
ATL	130	0.2	0.1
NAHT	96 (tbc)	0.1	0.1
NASUWT	423 (tbc)	0.1	0.2
<b>TOTAL</b>	<b>6560</b>	<b>11.1</b>	<b>6.8</b>

6.5. It is proposed that additional time off is granted for Employee Side Secretary duties as detailed in the table below. There is a separate allocation for Teaching and Non-Teaching unions. The role of the Employee Side Secretary is to co-ordinate responses from all the trade unions they represent and to convey them to the Council. The Employee Side Secretary for the Teacher unions would be representing the NUT/ASCL/ATL/NAHT & NASUWT unions and for the non teacher unions Unison/GMB and Unite. The holder of the posts are entitled to sign agreements with the Council on behalf of the joint trade unions. Since the Council is obliged to consult all unions on proposals, it is convenient and more effective for the employer to have just two people on the trade union side through whom corporate industrial relations matters can be channelled than to have to liaise with Branch Secretaries from all the unions separately.

<b>UNION</b>	<b>Membership</b>	<b>Current time off - FTE</b>	<b>New Time off - FTE</b>
Non Teaching (Unison, Unite & GMB)	4110	1.0	0.5
Teachers (NUT, ASCL, ATL, NAHT, NASUWT)	2450	Is currently covered by one of the 2 full time NUT reps.	0.2
Total	6560		0.7



6.6. It is proposed that paid time off for attending accredited trade union conferences be limited to Branch Officers within the allocation as outlined in the table in paragraph 7.4. Any other union representative that wishes to attend conferences or Branch Officers attending outside the above allocation, can do so, but in their own time and subject to the normal arrangements for requesting leave.

6.7. These proposals would result in the overall time off entitlements reducing from 12.1 fte to 7.5 fte a reduction of 4.6 fte union officials across the 8 unions, a reduction of nearly 40%.

6.8. The unions will provide to Human Resources, on request, details of their union membership numbers with a breakdown by school, council directorate or other group configuration as determined by the Head of Human Resources. The unions will also provide to the Head of Human Resources on an annual basis a list of their union officers and workplace representatives together with details as to the levels of time they take.

6.9. In order to achieve a harmonious implementation of change it is proposed that the changes to the agreements take place from 1 April 2011 but implementation of the reduction in time off for NUT and Unison will take effect from 1 January 2012 to allow time for appropriate notice and furtherance of good employee relations during the coming months of further significant organisational change. Changes for the other unions and employee side will take place from 1 July 2011.

6.10. These provisions will be reviewed annually by the Head of Human Resources and reported to the new Corporate Committee if changes to the branch officer time off levels are recommended.

## **7 Implications for Union Officers**

7.1 It should be noted that a reduction in the time off could result in union officials who have been seconded to union activities for perhaps many years needing to return to work in their former services/roles. There may be a need for additional training or induction back to functions that have changed since secondments took place. It is equally possible that redeployment may be necessary and redundancy remains a potential if redeployment proves unsuccessful. These are measures that will require detailed discussion.

## **8. Chief Financial Officer Comments**

8.1 Any savings are dependant on who the representatives are at a given point in time since the staff are seconded from their substantive jobs into the union role. The costs can therefore vary according to the grade of the job that the union person occupies.

8.2 Based on the current occupants of the union roles and average calculations of pay levels the proposed time off reductions result in an approximate saving in a full year of £190k on current levels of expenditure.

**9. Head of Legal Services Comments**

9.1 The Head of Legal Services has been consulted on the content of this report. The statutory framework concerning time off for trade union duties specifies certain activities for which there is an entitlement to reasonable paid time off for trade union officials of recognised trade unions. These activities include collective bargaining functions, consultation functions and representation functions. The right to paid time off also accrues in relation to training for matters concerned with collective bargaining where approved by the TUC or trade union concerned. The recommendations set out in the report and the policy attached as Appendix A meet the relevant provisions of the Trade Union and Labour Relations (Consolidation) Act 1992 and the 2010 ACAS Code of Practice on Time Off for Trade Union Duties and Activities. Further, the specific arrangements included in the policy for Union Learning Representatives and Safety Representatives meet the requirements of the relevant provisions of the Trade Union and Labour Relations (Consolidation) Act 1992 and Safety Representatives and Safety Committees Regulations 1977 respectively.

**10. Equalities & Community Cohesion Comments**

10.1 There are no implications arising out of these changes.

**11. Local Government (Access to Information) Act 1985**

11.1 No documents required to be listed were used in the preparation of this report.

## **Trade Unions Facilities, Duties, Activities and Time Off Arrangements**

### **1. Introduction**

This document sets out Council agreed procedures for trade union facilities, duties, activities and time off arrangements.

### **2. Scope**

The arrangements contained in this document cover trade union matters relating to all staff (subject to the Education Act 2002 and associated legislation regarding locally managed schools and establishments).

### **3. General Statement of Policy**

The purpose of this policy is to aid and improve the effectiveness of relationships between the council and trade unions. Regard has been taken of the ACAS Code of Practice on Time Off for trade union duties and activities. The Council provides generous time off provisions and in return expects the following principles to be complied with.

- Time off, with or without pay, must be sought and agreed in advance in accordance with the requirements of this policy. Requests for time off must be made as far in advance as possible in the circumstances
- Requests for time off have to be balanced with the requirement placed on the Council to provide a properly staffed service. The maintenance of service provision remains paramount.
- The election of accredited Trade Union representatives from employees of the Council and maintained schools in Haringey (including union learning reps and safety reps) will be in accordance with the rules of the Union.
- The Union will notify the Head of Human Resources of all properly appointed Trade Union representatives. Only representatives notified in this way will be recognised by the Council as accredited Trade Union representatives.
- Time off for representatives will be considered subject to the needs of the Council service and schools provision.
- The Union will notify the Head of Human Resources of any alteration or amendment to its Trade Union representatives.
- An annual report will be produced by the Branch Secretary of each union and provided to the Head of Human Resources stating how the time off facility by their union was utilised in the furtherance of representation, employee relations, etc.
- For its part, the Council recognises that trade unions need to represent and communicate with their members and will respond to requests for time off positively subject to the exigencies of the service and the consideration of safety problems which may be caused by their absence(s).
- These provisions will be reviewed annually by the Head of Human Resources and reported to General Purposes Committee (or alternative) if any changes are proposed.

#### **4. Time off for trade union duties and activities**

##### ***4.1 Time off for trade union duties***

This section sets out the level of paid time off which the Council considers reasonable to grant accredited trade union and safety representatives in accordance with the statutory frameworks and the ACAS Code of Practice.

##### ***4.2 Branch Officers***

In order to support good industrial relations the Council has agreed that the Branch Officers of Unions can be seconded from their normal duties to undertake trade union duties. Paid time off will only be granted for employees of the council, however, specific arrangements for external employees may be granted exceptionally by the Head of Human Resources.

The Branch Officers are awarded paid time off for trade union duties subject to the following conditions:

- The Head of Human Resources has the delegated authority to agree the actual maximum amount of time off that may be taken by each branch officer
- Proper advance notification of time off being given;
- In addition to the above, Branch Officers will be allowed reasonable time off to attend:
  - approved training courses
  - official trade union annual conferences as approved delegates (within their agreed release time)

The Head of Human Resources will allocate reasonable time off to all the trade unions taking into account the following criteria:

- a) Union membership numbers
- b) The volume and complexities of Corporate Industrial Relations issues taking place in the organisation.
- c) The volume and complexities of Local Industrial Relations issues taking place in the organisation.
- d) A minimum of 0.1 facility time will be granted to each recognised trade union.

Based on current levels of Corporate and Local Industrial Relation issues within the Council and current union membership the following levels of time off for branch officers would be granted (For unions where the time off is 0.1 or 0.2 reasonable additional time off will be granted in recognition of casework preparation and representation at meetings):

<b>UNION</b>	<b>Membership</b>	<b>Branch Officer time off - FTE</b>
Unison	3777	5.0
NUT	1748	1.0
GMB	266	0.2
Unite	67	0.1
ASCL	53	0.1
ATL	130	0.1
NAHT	96 (tbc)	0.1
NASUWT	423 (tbc)	0.2
<b>TOTAL</b>	<b>6560</b>	<b>6.8</b>

#### **4.3 Employee Side**

The role of the Employee Side Secretary is to co-ordinate responses from all the trade unions they represent and to convey them to the Council. The Employee Side Secretary for the Teacher unions would be representing the NUT/ASCL/ATL/NAHT & NASUWT unions and for the non teacher unions Unison/GMB and Unite. The holders of the posts are entitled to sign agreements with the Council on behalf of the joint trade unions. Since the Council is obliged to consult all unions on proposals, it is convenient and more effective for the employer to have just two people on the trade union side through whom corporate industrial relations matters can be channelled than to have to liaise with Branch Secretaries from all the unions separately.

The following levels of time off for Employee Side Secretary duties is as detailed in the table below. There is a separate allocation for Teaching and Non-Teaching unions.

<b>UNION</b>	<b>Membership</b>	<b>Employee Side time off - FTE</b>
Non Teaching (Unison, Unite & GMB)	4110	0.5
Teachers (NUT, ASCL, ATL, NAHT, NASUWT)	2450	0.2
Total	6560	0.7

Following the annual elections of each union, the Head of Human Resources shall confirm time off for Branch Officers and Employee Side Secretary's subject to the needs of the Council's services.

#### **4.4 Trade union representatives**

Notwithstanding the specified arrangements for the Branch Officers reasonable time off with pay (normally no more than 2 hours per week) will be granted to other elected

trade union representatives to undertake trade union duties and activities. This will include

- Reasonable time off to attend meetings called by management, including meetings to discuss terms and conditions, restructuring, meetings with employees that require a TU rep in attendance, etc.
- plus reasonable time off to prepare for meetings.
- Reasonable time off for attendance to attend Steward and Branch Committees

The number of union representatives granted time off for these purposes will be subject to reasonable limits and the proper authorisation arrangements.

Depending on service requirements and subject to management agreement it may be appropriate to allow the banking of the 2 hours to equate to one day per month or half day bi weekly in order, for instance, to represent an employee at a formal meeting or attend a conference.

Reasonable time off with pay will also be allowed to elected representatives of a recognised trade union to undergo training relevant to the carrying out of their trade union duties. The training should be in aspects of industrial relations relevant to the duties of a representative and must also be approved by the Trade Union Congress or by the independent trade union of which the employee is a representative.

#### ***4.5 Union Learning Representatives***

Reasonable time off with pay will be granted to properly elected Union Learning Representatives of non school staff. Reasonable time off should be allowed for the following activities

- Analysing learning or training needs
- Providing information and advice about learning or training matters
- Arranging and supporting learning or training e.g. encouraging union members to access learning opportunities.
- Promoting the value of learning or training
- Consulting the employer about carrying on any such activities
- Preparation time to carry out the above activities
- Undergo relevant training

The number of union learning representatives granted time off for these purposes will be subject to reasonable limits and the proper authorisation arrangements.

It is the responsibility of schools to make their own time off arrangements for union learning representatives for staff based in schools.

#### ***4.6 Time off for Safety Representatives***

The Council will allow Safety Representatives of non school staff to take such time off with pay during working hours as shall be necessary for the purpose of:-

- Performing their functions under the Health and Safety at Work Act.
- Undergoing such training in aspects of those functions as may be reasonable in all the circumstances.

The activities/ duties of a Safety rep cover the following

- Representing workers in consultations with employers
- Investigating potential hazards and dangerous occurrences
- Examining the causes of accidents, dangerous occurrences and diseases
- Investigating complaints by members
- Making representations to the employer
- Carrying out workplace inspections
- Representing employees in consultations with inspectors
- Receiving information from inspectors
- Attending joint health and safety committee meetings

In return for granting time off it will be expected that the Safety Representative will share with management reports/ findings concerning their duties and activities.

The number of union representatives granted time off for these purposes will be subject to reasonable limits and the proper authorisation arrangements.

It is the responsibility of schools to make their own time off arrangements for safety representatives for staff based in schools.

#### **4.7 Conferences**

Time off with pay will be granted to Branch Officers (within the above allocation in the table in 4.2) to enable attendance at accredited Trade Union conferences to consider pay and conditions matters. This is subject to employer approval arrangements set out previously for Branch Officers, reasonable numbers of delegates being nominated and service and work requirements permitting. Any other union representative that wishes to attend conferences or Branch Officers attending outside of the above allocation, can do so, but in their own time and subject to the normal arrangements for requesting leave (unless it has been agreed that a representative can bank their hours for this purpose).

#### **4.8 Payment for time off for trade union duties and approved training**

When a representative is allowed time off during normal working hours, they are entitled to payment for the time taken. The amount paid would be either the normal pay which the representative would otherwise be paid or a payment based on their average hourly earnings where the earnings vary with the work done.

There will be no requirement to pay for time off for trade union duties or training when such time is outside of the representative's normal working hours. The Council will not meet the travelling and subsistence costs of trade union representatives who attend courses or conferences.

### **5. Facilities**

Reasonable office and administrative facilities will be made available. Access to interview rooms will be provided subject to their availability at the time of need. Free

use of the internal postal service will be provided for correspondence relating to trade union duties.

The Council recognises that it is beneficial to provide the unions with reasonable facilities to further good industrial relations. It therefore intends to continue the provision of appropriate accommodation and facilities to allow trade union business to be conducted.

It will be the responsibility of the unions to provide their own information and communications technology. The Council will permit the unions access to Harinet, but not the email facility of the council. Representations for support and advice regarding IT may be granted to the smaller unions, at the discretion of the Head of Human Resources.

## **6. Check-Off arrangements**

The Council will continue to provide check off and related facilities subject to a reasonable percentage charge on the total membership deductions. The rate and arrangements for check-off may be varied by the Council subject to prior consultation with the representative union(s). Details of the check-off service are provided in a separate document.

## **7. Alteration or termination of the Agreement**

The Council may amend any of the provisions of this policy subject to six months' notice in writing. It is assumed that during the course of the notice period consultation will be had between the Head of Human Resources and the unions about the proposed changes with a view to reaching an understanding about the changes.

Should a trade union representative fail to adhere to these arrangements, they may be reviewed on an individual basis subject to consultation with the appropriate full time union officer.

No contractual status is attached to this policy and questions regarding its interpretation should be dealt with by the Head of Human Resources.