



Agenda item:

[No.]

General Purposes Committee

On 28 October 2010

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

Wards(s) affected: **[All / Some (Specify)]**

Report for: **[Key / Non-Key Decision]**

**1. Purpose of the report**

This paper seeks to establish general principles for a review of the Trade Union Facilities, Duties, Activities and Time Off Arrangements with a view to reducing expenditure on current time off provision.

**2. Introduction by Cabinet Member (if necessary)**

2.1. [click here to type]

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

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

#### **4. Recommendations**

- 4.1. That Members approve the general principles for reviewing the Trade Unions Facilities, Duties, Activities and Time Off Arrangements across the Council as outlined in paragraph 7.8.
- 4.2. That Members agree to receive detailed proposals following consultation with the trade unions on recommended changes to the Trade Unions Facilities, Duties, Activities and Time Off Arrangements to the Committee on 11 Jan 2011.

#### **5. Reason for recommendation(s)**

- 5.1. The current economic situation means the council will have to make efficiency savings on council expenditure.

##### **5.2. Non Teaching Unions (Unison, Unite & GMB)**

5.2.1 A benchmarking survey has been carried out by The London Councils with 31 other London boroughs and the findings show that Haringey is 11th in the league table of London boroughs in terms of number of union members per seconded trade union official. However, it should also be noted that in terms of union membership compared to the numbers of staff we are also ranked at No 11 in the list.

5.2.2 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.

5.2.3 We are generous in giving time off to UNISON. At present we allow time off for 6.5 full time equivalent officials for UNISON. This is high compared to other London boroughs who tend to grant on average time off for 2 full time equivalent officials for UNISON. Haringey is ranked 2<sup>nd</sup> in terms of UNISON membership density and the council is ranked 9th in terms of UNISON members per FTE officials. Our UNISON members per FTE official is 530. The median of the other London boroughs is 767.

5.2.4 The union membership in UNITE and GMB are very low i.e. 70 and 291 respectively. Each of these unions has the equivalent of 1.0 full time official which is generous and needs to be reviewed.

##### **5.3 Teaching Unions and Associations (ASCL/ATL/NAHT/NASUWT/ NUT)**

5.3.1 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.

5.3.2 A survey was commissioned in February 2008 and September 2010 in order to benchmark with the 31 other London boroughs. The London Councils were not able to assist in the same way with this survey as with the non-teaching unions survey and consequently responses were not received from every London Borough.

5.3.3 It should also be noted that in terms of union membership compared to non-

teaching unions, there are more employees who are members of the teaching unions and associations, approximately 62%.

5.3.4 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.

5.3.5 We are 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.

5.3.6 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.

5.3.7 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.

## 6. Other options considered

6.1. Options will be explored during the consultation process.

## 7. Summary – non Teaching Unions (Unison, Unite and GMB)

7.1. 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.

7.2. 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.

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

Union	Membership numbers using check off figures	Branch Officers FTE	Cost 09/2010 inc on-costs
Unison	3447	6.5	£245,728
Unite	70	1.0	£36,453
GMB	291	1.0	£33,643
Employee Side	n/a	1.0	£39,407
<b>TOTAL</b>	<b>3808</b>	<b>9.5</b>	<b>£355,231</b>

#### 7.4. Summary – Teaching Unions and Associations (NUT, ATL, ASCL, NAHT, NASUWT)

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

Union	Membership numbers	Branch Officers FTE	Cost 2009/10 inc on-costs
NUT -National Union of Teachers	1221	2.0	£113,660
ATL (Ass of Teachers & Lecturers)	Not available	0.2	Vacant
ASCL – Ass of College & School Lecturers	Not available	0.2	£14,553
NAHT – National Ass of Head Teachers	Not Available	0.1	£3,920
NASUWT – National Ass of Schoolmasters & Union of Women Teachers	Not Available	0.1	Vacant
<b>TOTAL</b>		2.6	£132,133

7.6. No specific allocation is given for the Employee Side for Joint Secretary functions.

7.7. Reasonable time off is given by schools to local shop stewards/learning representatives/safety representatives in order to undertake trade union duties and activities.

#### 7.8. General Principles for Review

It is proposed that the Head of Human Resources/Head of Schools Personnel/Deputy Director of Business Support & Development, CYPS enter into discussions with the Employee Side Secretary of the Joint Consultative Committee and representatives of Unison, GMB, Unite, NUT, ATL, ASCL, NAHT and NASUWT with a view to reducing the current time off provision. It is proposed that this discussion follow the general principles below.

- I. To review trade union time off for facilities, duties and activities taking account of the position of other London boroughs and of the Council's overall financial situation
- II. To undertake a review of the complete policy.
- III. To actively consult the respective unions with a view to reaching agreement on the proposed changes.
- IV. To limit consultation to a period of three months or until the meeting of the General Purposes Committee on 11 January 2011.
- V. To report back to General Purposes Committee on 11 January 2011 with detailed proposals following consultation with the trade unions on recommended changes, ideally agreed with the union stakeholders, but not dependent on such agreement.

## **8. Implications for Union Officers**

8.1 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.

## **9. Chief Financial Officer Comments**

9.1 Once discussion have been held and proposals are brought forward it should be possible to provide financial comments.

## **10. Head of Legal Services Comments**

10.1 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. In carrying out the review proposed in this report, regard should be given to 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. Legal advice should be sought during the course of the review on the issues that arise including the implications referred to in paragraph 8 of the report.

## **11. Equalities & Community Cohesion Comments**

11.1 Any changes to trade union time off will be the subject of analysis in an attempt to ensure that actions are not disproportionate on any one group of staff.

## **12. Local Government (Access to Information) Act 1985**

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