

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 :

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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
TOTAL	4110	9.5	£355,231

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
TOTAL	2450	2.6	£132,133

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:

UNION	Membership	Current time off - FTE	New time off - FTE
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
TOTAL	6560	11.1	6.8

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.

UNION	Membership	Current time off - FTE	New Time off - FTE
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.