

Requirement to Publish Facility Time Taken by Trade Union Officials

June 2018

Employees who are union representatives of a trade union recognised by their employer are entitled to reasonable time off, during working hours and without loss of pay, to carry out union duties and undergo relevant training. Relevant public sector employers (including all types of Schools and Academies) are required to report on time taken by trade union officials representing their members or other union activities, whether this is release time internally or by contributing to pooled arrangement.

The Trade Union (Facility Time Publication Requirements) Regulations 2017 came into force on 1 April 2017. The regulations require relevant public sector employers to publish specified information related to facility time taken by trade union officials. The regulations can be found at: <http://www.legislation.gov.uk/uksi/2017/328/made>

Who do the Regulations apply to?

The reporting requirements apply to the public authorities set out in Schedule 1 of the Regulations, which include:

- Local Authorities;
- The Governing Body of a Foundation School or Voluntary Aided School;
- The proprietor of an Academy or a Multi Academy Trust;
- The registrar of Independent Schools.

The regulations require the employer to report their provision of facility time if they have more than 49 full-time equivalent (FTE) employees during any seven months within the 12 month reporting period. Your FTE can be found on your monthly Employee Information Report under the Download Reports section of the portal (for Trusts this is available as a MAT Employee Information Report if set up has been requested). For Multi-Academy Trusts the FTE is determined at Trust level.

What is the deadline for publishing the information?

The deadline for publishing the information is 31 July 2018, in respect of the period 1st April 2017 to 31st March 2018. The information will have to be published annually thereafter.

Where are we required to publish the information?

The information must be published in the following places:

- The school or trusts websites
- The school or trusts Annual Report, where an Annual Report is published
- On the Government maintained website, due to go live on 2 July 2018:
<https://www.gov.uk/government/publications/trade-union-facility-time-publication-requirements>

What information has to be published?

- The number of union representatives employed during each reporting year
- The number of FTE representatives employed
- The number of relevant union representatives who spent 0 per cent, 1-50 per cent, 51-99 per cent or 100 per cent of their time on facility time
- The total costs of facility time
- The total pay bill and the percentage of the total pay bill spent on facility time
- The percentage of facility time which is used for union activities

Schedule 2 of the regulations sets out the pro forma on which employer's must publish the information, see Appendix 1:

Information on how to calculate the "total cost of facility time" and the "total pay bill" are set out in the Regulations (see link below).

Updated guidance has been given for when a Local Authority provides facility time to union representatives via pooled resources to cover time spent across a number of different employers, and can be found in Annex C of the supporting guidance, summarised below. Note that the principles apply in respect of the tables set out in Appendix 1 of this Advice Note.

For tables 1 and 2: Only the employer of the trade union representatives should provide the required data. Employers that only use the services of a union representative employed by another relevant body would not need to capture this information in their own published data and therefore, do not need to complete tables 1 and 2.

For table 3: Any monies a relevant public sector employer spends or contributes (including to any pooled arrangement) towards paid facility time hours should be included in their own return.

- Any employers that only use the service of a union representative(s) under a pooled arrangement would need to publish the total amount they contributed towards the cost sharing arrangements as the total cost of facility time in order to carry out the calculation.

- Where an employer is reimbursed for some/all of its facility time costs by another relevant body using the union representative, then that amount should be subtracted from the overall facility time spend.

For table 4: Only the employer of the trade union representative that carries out paid trade union activities should include the required information.

- Employers that use the services of a union representative employed by another relevant body would not need to capture this information in their own published data

Should you have any questions or require further support please contact your HR Adviser in the first instance who will be pleased to help.

Useful links:

More information about facilities time can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/410276/advice_on_trade_union_facility_time_in_schools_090315.pdf

Supporting Guidance for the Trade Union (Facility Time Publication Requirements) Regulations 2017 (as updated in June 2018) can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/713318/Public_Sector_Facility_Time_publications_requirements_guidance.pdf

Appendix 1

Table 1

Relevant union officials

What was the total number of your employees who were relevant union officials during the relevant period?

Number of employees who were relevant union officials during the relevant period	Full-time equivalent employee number
0	0

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%	0
51%-99%	0
100%	0

Table 3
Percentage of pay bill spent on facility time

Provide the figures requested in the first column of the table below to determine the percentage of your total pay bill spent on paying employees who were relevant union officials for facility time during the relevant period.

First Column	Figures
Provide the total cost of facility time	5,801
Provide the total pay bill	14,853,015
Provide the percentage of the total pay bill spent on facility time, calculated as: (total cost of facility time ÷ total pay bill) x 100	0.04 %

Table 4
Paid trade union activities

As a percentage of total paid facility time hours, how many hours were spent by employees who were relevant union officials during the relevant period on paid trade union activities?

<i>Time spent on paid trade union activities as a percentage of total paid facility time hours 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	0
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* All release time is deemed to be union duties as per the ACAS code.

