

# Partnership Working: The City Council and the Trade Unions

A report from Overview & Scrutiny







# Preface

By Councillor Robert Alden , Chairman of the Equalities and Human Resources Overview and Scrutiny Committee.

I would like to thank everyone on the Committee and the officers for their hard work on helping to produce this report to Full Council. In particular I would like to thank all the witnesses, other Councils and outside organisations who provided evidence for the Committee. Without these contributions we could not have put together the report we have.

It is clear that the relationship between Trade Unions, Council staff and the City Council as an employer is a very important one. The difficulties experienced in this relationship have the potential to spill out into the every day business that the Council carries out. When this occurs the people who suffer the most are the taxpayers, the residents of Birmingham - the people who need services to be there the most and also the people who pay for everything the Council does. It is therefore reasonable for the taxpayer to expect the service they need to be usable when they want it.

Trade Unions have a valuable service to offer staff in terms of providing protection and legal care. However it is also clear that the City Council as the custodians of the taxpayers' money should be ensuring that the resource provided to the Trade Unions, be this in terms of people, budgets or facilities, is appropriate. This is vital even more so during this time of global economic hardship and financial instability.

What became clear during the review was that the current relationship is based mainly on goodwill between all sides. There are limited written frameworks and practices which govern how the relationship is maintained and works, within the legal framework as it currently exists. We have therefore proposed recommendations which, if followed, will enable the Council to put in place the solid frameworks in which the relationship should operate and can flourish, so that all sides and employees benefit.

Finally, it became clear from some comments that there are a number of employees who would like more opportunity to have their own voices heard rather than have a Trade Union put forward their views. In the long term I feel it could well be beneficial to the Council to look at ways to extend the way it conducts consultation and negotiation to allow non-unionised employees the voice that many stated they would like.

I hope that this report proves useful to the Council.

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supplementary information from one Union, about members paying through Direct Debit, we found that around half of the non-teaching staff within the City Council were Trade Union members.

A number of City Council employees are Union reps. Some of these work in their Union role full time, i.e. they have full time release and do not currently undertake their substantive role. However a larger proportion of Union reps perform their Union role for only part of their contracted hours, spending some time in their substantive role. We found that in the 2010/11 financial year there were



One particular aspect of the relationship which requires attention is

# Summary of Recommendations

- R06** That a set of guidance notes are introduced around communication. This should include:
- x how the City Council will provide facilities to support the Unions with their communications;
  - x guidance on the appropriate items which would be channelled through Council networks and be

# 1 Introduction

## 1.1 Purpose of the Review

1.1.1 In July 2011 Members of the Equalities and Human Resources (EHR) Overview and Scrutiny (O&S) Committee agreed to undertake a Scrutiny Review into the working relationship between the City Council and its recognised Trade Unions. The key question for investigation was:

How is the City Council ensuring that its relationship with the Trade Unions is strong, effective, provides value for money, meets legal requirements and is of benefit to all involved?

1.1.2 This was undertaken as part of the Committee's role in supporting and examining the portfolio of the Cabinet Member for Equalities and Human Resources. By challenging existing arrangements the Committee helps to ensure that the City Council is achieving excellence and value for money, and is making the best use of resources to achieve excellent outcomes for Birmingham citizens.

## 1.2 Terms of reference

1.2.1 The terms of reference set out several lines of enquiry and areas for investigation, including;

x The working relationship:

- | Understanding the agreements in place between the Council and the Trade Unions;
- | Ensuring that consultation and negotiation procedures are sound and working well;
- | Examining procedures which aim to ensure tawell; balace d spitibeon t]TJ -22.61j /1.459 TD -0



## 1.3 The Report

- 1.3.1 Chapter 2 begins by providing contextual information in relation to Trade Unions and their position in the workplace both historically and today. It also outlines their expected role and through what means Trade Unions try to achieve their aims.
- 1.3.2 Chapter 3 examines the rules and regulations surrounding the relationship between an employer and a Trade Union, including the support an organisation should ideally give to recognised Trade Unions, and the considerations that Unions themselves should have in working with the employer.
- 1.3.3 An overview of the Trade Union presence within the City Council is provided in Chapter 4, giving a recent snapshot of levels of Trade Union membership, the number of Trade Union representatives in the Council and how they are organised.
- 1.3.4 Chapter 5 outlines the main findings gathered through the written and verbal evidence submitted, including results from the employee survey. From this information, coupled with the snapshot presented in the previous chapter and taking into consideration the best practice outlined in Chapter 3, we have made a series of recommendations which we believe will strengthen the working relationship between the two groups.
- 1.3.5 Chapter 6 provides the overall conclusions for this piece of work, suggesting that whilst the relationship appears to at times work well, there is room to improve the effectiveness, efficiency and value for money of these relationships to create a more stable and sustainable platform for future partnership working.

## 2 Background: Trade Unions in the Workplace

### 2.1 Introduction

- 2.1.1 Trade Unions should aim to protect and advance the interests of its members in the workplace and provide a route through which their members can, through a 'collective voice', respond to issues in their workplace. They are independent of an employer but aim to develop a close working relationship.
- 2.1.2 When a Trade Union and an employer voluntarily agree to 'bargain' about employment terms and conditions, the employer is said to 'recognise' the Trade Union. Once a Trade Union is recognised in a workplace, negotiations with the employer on the terms and conditions of employment are known as 'collective bargaining'. This ensures that any arrangements agreed on behalf of Trade Union members apply to rest of the organisation.
- 2.1.3 In this section, we provide a brief overview of the role and development of Trade Unions, including figures from the latest research into Trade Unions, their potential benefits and the potential added





x Information and consultation.

## 2.3 The Wider Context

- 2.3.1 The Department for Business, Innovation and Skills in April 2011 published a statistics paper on national Trade Union membership in 2010.<sup>4</sup> This paper shows that Trade Union membership peaked in the late 1970's, followed by a sharp decline until the mid 1990's when figures stabilised (see Chart 1).
- 2.3.2 In terms of a Trade Union presence in 2010, across all sectors just under half of UK employees were in a workplace where a Trade Union was present. Fewer employees said their pay and conditions were affected by a collective agreement than in 2009, moving from 36.4% to just over 30%.

**Chart 1: Trade union membership**

highlights that Education and Public Administration roles have the highest levels of Trade Union Membership.

- 2.3.4 In 2010 around 4.1 million public sector employees in the UK were Trade Union members, down by around 34,000 compared with 2009, but up by 340,000 from 3.7 million in 1995. By comparison, total Public Sector employment also fell slightly by around 0.5% over the year. The report comments that whilst a decline in Trade Union membership might accelerate in the next few years, it is hard to say what the impact on Trade Union density might be, i.e. there may be fewer public sector workers, but more of them may choose to be in a Trade Union.

#### **Chart 2: Trade Union density by Industry, 2010**

- 2.3.5 The relationship between employers and their recognised Trade Unions is currently of interest both locally and nationally. Through a number of Freedom of Information requests across a range of organisations, the media has recently brought to the forefront the issue of funding Trade Union facility time, that is the money spent paying employees who work in a Trade Union role, given that it is paid for by the employer rather than the Trade Union itself.

## **2.4 The Potential Benefits of Trade Unions in the Workplace**

- 2.4.1 Quantifying the added benefit that Trade Unions bring to the workplace is difficult. For example it is hard to put a value on the number of grievances that are not lodged with an employer because a Union rep has helped to resolve an issue before formal processes are initiated. There are

however some general observations that can be made in terms of benefits. ACAS provides some suggestions in their booklet 'Representation at work'<sup>5</sup> which includes:

- x An increase in employee engagement and helping employers to tap into the expertise and creativity of their employees;
- x Improving employment relations as employee representatives can act as a useful sounding board for management on plans they have for the organisation and as a barometer of the level of trust and cooperation between employees and managers;
- x Identifying grievances in the workplace and helping to diffuse potential conflict at an early stage;
- x Encouraging employees to voice their views;
- x Providing access to training via their learning reps.

#### 2.4.2

**Table 1: Summary of Potential Benefits of Employee Representation** <sup>7</sup>

Area of Benefit	Assumptions	Value
	<p>x Dismissals : Representation r dismissal rate in the workplace 10%; average cost of each dism employers £4,200.</p>	

# 3 Background: Guidelines for partnership working

## 3.1 Introduction

3.1.1 An independent Trade Union recognised by an employer has certain legal rights. These include the rights for its:

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## 3.2 Undertaking Trade Union Work

3.2.1 In order for the working relationship between an employer and Trade Union to be effective, ACAS comments that:

...representatives need the security of knowing that they can gain time off with pay, be trained and have access to communication and other facilities.

Employers, in turn need assurance that

## Trade Union Activities

- 3.2.7 Trade Union activities apply to both those who are members of Trade Unions, and those who are Union reps. With regards to the latter, activities could include taking part in branch, area or regional meetings, meetings of official policy making bodies such as the annual conference or meetings with full time officers to discuss issues relevant to the workplace.
- 3.2.8 There is no statutory requirement that members of unions, or those who are Union reps, be paid for the time taken off for Trade Union activities.

## 3.3 The Provision of Facilities

- 3.3.1 Employers should ideally provide facilities for Union reps where the duties that they are carrying out are concerned with collective redundancies or TUPE transfers. ACAS highlights that there is no legal obligation for the employer to provide facilities for other types of union duties.
- 3.3.2 Over and above this legal obligation however, the ACAS code of practice on time off recommends that employers should provide facilities to allow Union reps to conduct their duties efficiently and effectively. This is likely to allow representatives to complete their duties more quickly and to keep relations between the employer and the Trade Union amicable. Examples include:
- x Accommodation for meetings which could include provision for Union Learning Representatives and a union member(s) to meet to discuss relevant training matters;
  - x Access to a telephone and other communication media used or permitted in the workplace such as email, intranet and internet;
  - x The use of notice boards;
  - x Where the volume of the union representative's work justifies it, the use of dedicated office space;
  - x Confidential space where an employee involved in a grievance or disciplinary matter can meet their representative or to discuss other confidential matters;
  - x Access to members who work at a different location;
  - x

## 3.4 'Reasonable' Time Off

- 3.4.1 Employers should allow Union reps as much time off as is 'reasonable' for them to carry out their role. There is no strict definition of what is considered 'reasonable', but when considering this employers need to balance the right that the Trade Union reps have to conduct their work with the need for the efficient running of the organisation. It is important to note, however, that efficiency



and ensure that it acts reasonably if refusing a request due to the requirements of the business. It should also cooperate with the Trade Union to find a mutually acceptable alternative time for the duties or activities to be carried out.

- 3.4.8 Where an employer fails to allow a Union rep or Union member reasonable time off for duties or activities, the employee can make a complaint to the Employment Tribunal (ET). Where the tribunal finds that the employer failed to allow the union representative or member reasonable time off for union duties or activities, it has the power to make a declaration to that effect and award the employee compensation that it considers to be just and equitable. With regards to a failure to pay a union representative for time off, the tribunal can award the amount that should have been paid.<sup>15</sup>

## **3.5 Formal Agreements**

- 3.5.1 Taking all of the above into consideration, ACAS suggests that there are many benefits to be gained by drawing up an agreement as to how the relationship between the Employer and the recognised Trade Union is expected to work; this includes the operation of time off arrangements and expectations from both sides. It suggests that in setting out an agreement, the following should be taken into consideration:

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# 4 Findings: Trade Union Representation in the City Council

## 4.1 Introduction

- 4.1.1 Employees have a choice over whether they would prefer to join a Trade Union or not. The City Council operates an access to new starter's policy in which new employees are asked whether their information can be disclosed to the Trade Unions, who will approach that employee and offer them membership.
- 4.1.2 We sought to examine the current picture in the City Council with regards to the scale of Trade Union membership and representation. This involved gathering data from Human Resources and speaking directly to the Trade Unions. The following provides a summary and analysis of that data.
- 4.1.3 It is important to note that, with there being no central process in place to monitor Trade Union work or representatives the data we were provided with was of limited quality, making our analysis difficult. This will be addressed later in this report.

## 4.2 Representation in the City Council

- 4.2.1 The recognised non-teaching Trade Unions within the City Council are:
- x Unison;
  - x Unite (formerly TGWU and Amicus);
  - x GMB;
  - x UCATT.

### Trade Union Membership

- 4.2.2 Our initial query was on the number of employees within the City Council who are Trade Union members, in order to provide an overall picture of the numbers the Trade Unions are representing on a daily basis.
- 4.2.3 There are difficulties in producing a definite number of Trade Union members in the organisation. Some employees will choose to pay their Trade Union subscriptions through Direct Debit or other methods, meaning that the City Council will not be aware they are a Trade Union member. When querying with the Trade Unions how many of their members chose to pay through a method other than Council payroll, the majority were reluctant to provide us with this additional information in evidence gathering. The reasons given for this were that some employees do not wish to let the



the data. Whilst this information does not give the precise current picture, it gives a reasonable indication as to the spread of representatives across the organisation.

4.2.10 After additional analysis of the data, we found that in 2010/11 there were just over 49 Full Time Equivalents (FTE)<sup>17</sup> (headcount of around 114 employees) with formal regular release time to undertake a Union role for non-teaching Trade Unions.<sup>18</sup> The breakdown of this by Trade Union is shown in Table 2, alongside FTE figures for the previous two years. Not included in the information was all the number of workplace reps who do not have formal release time, but are in the workplace to represent their section as and when necessary. This does mean that the headcount of those with a Trade Union role could be much higher.

4.2.11 In looking at the headcount and FTE figures, it is important to highlight that we received no indication as to how long each Union rep undertook the role i.e. it may not have been for the whole financial year and does not identify employees who may have undertaken Trade Union duties for a proportion of their time over a short period. It is therefore difficult to say how many Union reps with agreed release time were in place at any one time over the 2010/11 financial year.

**Table 2: Changes in Representation and Membership in Birmingham City Council** <sup>19</sup>

	2009		2010		2011	
	Number of Members	FTE number of reps	Number of Members	FTE number of reps	Number of Members	FTE number of reps
<b>Unison</b>	13,100	20.45	12,455	21.54	10,997	27.72
<b>GMB</b>	4,539	5.25	3,783	6.25	4,303	14.60
<b>Unite</b>	1,098	4.1	1,011	4.1	711	5.00
<b>UCATT</b>	195	1.7	263	2.25	271	1.85
<b>TOTAL</b>	18,932	31.5	17,512	34.14	16,282	49.17

4.2.12 The table above shows that in some cases, as membership has risen, so has the number of Union reps, but this is not in all cases. Both Unison and Unite have seen an increase in the FTE number of Union reps, despite an apparent

- 4.2.13 There are a number of points to consider. The first is that there may have been an increase in the number of employees paying through Direct Debit and other methods, which cannot be reflected in the figures as this is unknown. The Trade Unions themselves highlighted that they have seen a shift towards this payment method more recently, although we received no evidence to confirm this. The second is that the figures give no indication as to the workload of Union reps and as such the resource required to support members.
- 4.2.14 Comparative data with other Local Authorities, particularly on the FTE headcount of Union reps, was limited and due to differences in the recording of information, makes comparison difficult. Some information that was provided however shows that:
- x One Local Authority with around 5,500 non-teaching Trade Union members has around 16 FTE Union reps;
  - x Another Local Authority of just under 7,000 non-teaching Trade Union members has 13 FTE Union reps;
  - x A third Local Authority that provided information had 5 FTE Union reps for a membership base of around 4,300 non-teaching Trade Union members.
- 4.2.15 In 2010-11 the majority of employees who put themselves forward to be Union reps in the City Council fell within the Grade 2 to 4 pay bands (Table 3). This is the same across all of the recognised Trade Unions. Only in a small number of cases is a Union reps substantive Grade GR5 or above.

**Table 3: Substantive Grade of Trade Union representatives' financial year 2010/11**

Grade	Unison	GMB	Unite	UCATT	Total
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- 4.2.17 More recent information provided to us shows that there are currently 26 reps with full time release from their substantive role to undertake Trade Union work.<sup>20</sup>
- 4.2.18 We were also able to examine where Union reps substantive directorates were, showing that the majority of Union reps are based within Homes and Neighbourhoods and Environment and Culture directorates (Table 6). In some cases these Union reps may not represent solely the directorate in which they are based, but support members across the organisation.

### Funding Trade Unions and Union Reps

- 4.2.19 Also presented in table 6 are the approximate salary costs for each directorate, as directorates themselves continue to pay the Union rep as if they were in their substantive post. These have been calculated taking into account the proportion of time the 114 employees we received data on have spent on Trade Union duties, with the assumption that this was undertaken for the whole financial year. Figures include pensions and National Insurance costs averaged at 24%.

**Table 6: Directorate Spread of Trade Union Representatives financial year 2010-11**

Directorate	Unison	GMB	Unite	UCATT	Total Head-count	Salary Costs
Chief Executives <sup>21</sup>	4	1	-	-	5	£66,116
Housing and Constituencies <sup>22</sup>	15	8	7	2	32	£470,360
Adults and Communities	11	-	-	-	11	£182,236
Children, Young People and Families	8	8	-	-	16	£364,602
Development	8	-	-	-	8	£41,720

- 4.2.20 It is worth noting that in one case we were made aware of a Union rep where some of the salary cost was recharged to the Trade Union. This is contrary to what we expect to happen, as guidance says that any salary should continue to be paid by the employer.
- 4.2.21 Of the other Local Authorities which provided information to us, the total salary costs of Union reps ranged from around £192,000 to £500,000. It is unclear whether these figures include on costs such as pension and National Insurance contributions. Like this City Council, salary costs in other Local Authorities are paid through directorate budgets, however some Union reps are funded corporately.
- 4.2.22 We examined the issue of salary payments and questioned the rationale behind the payment of salary by the Council for employees whilst they are undertaking Trade Union work. Legal Services helpfully clarified that because those people remain City Council employees on the organisations terms and conditions, it is important that their salaries continue to be paid only by the organisation, which maintains the link with the substantive role and the Council as the employer
- 4.2.23 In addition Trade Unions are allocated a budget, which sits within the wider Human Resources budget. With regards to financial spend by the Trade Unions over 2010-11, funding was spent on such things as:
- x Office rent;
  - x Meeting room hire;
  - x Office Equipment, photocopying and stationery;
  - x Mobile Phones;
  - x Hospitality.
- 4.2.24 We queried as to whether the budget given to Trade Unions had changed over time and increased or reduced in line with other services in the Council. It was confirmed by Human Resources that the budget had been reducing over time and we were provided with the historical data, as shown in Table 7 below.

**Table 7: Budget provided to Trade Unions and their expenditure 2008 – 2012**

Year	Budget	Actual Spend	Variance
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- 4.2.25 Much like other Local Authorities and in line with ACAS guidance, the City Council also provides the Trade Unions with facilities such as:
- x Office space;
  - x Access to photocopying facilities, stationery and other materials as necessary;
  - x Accommodation for meetings and facilities for Union reps to meet their members in private;
  - x Space for the display of Union notices.
- 4.2.26 Limited information is available on the costs of facilities in other Local Authorities but two responses were received quoting around £16,000 and one of around £43,000. One Council in particular noted that they do not pay facility costs as the Union reps use their branch office.
- 4.2.27 The budget and facilities provision, particularly around office rent, was a concern and will be reflected on later in this report.

## 4.3 Formal Arrangements

### Agreements for Working with the Unions

- 4.3.1 Achieving a substantive signed agreement with the Trade Unions is difficult in the current climate. There are however several City Council documents which provide guidance and refer to the working arrangements with the Trade Unions. These are available on People Solutions<sup>24</sup> and include:
- x Arrangements for Regular Corporate Consultation;
  - x Consulting with employees and their representatives;
  - x Resolution of Collective Procedural Disputes;
  - x Consultation Protocol between Birmingham City Council and recognised Trade Unions;
  - x Time off agreement.
- 4.3.2 Regular corporate consultation meetings are held with the Council and non-teaching Trade Unions to assist in promoting a positive employee relations environment. There is a scheduled meeting each week for this to occur, which is chaired by a representative from Corporate Human Resources.
- 4.3.3 Informal corporate consultation meetings occur on a six to seven weekly basis, which gives the opportunity for an informal structured discussion to take place. It is at these meetings that the Trade Unions can express their views to the Cabinet Member for Equalities and Human Resources, who chairs the meeting and to those on the Corporate Management Team.

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<sup>24</sup> Web based portal in which Birmingham City Council employees can access general information as well as personal details.

4.3.4 In addition a formal consultation committee occurs on a quarterly basis. It is chaired by the Cabinet Member for Equalities and Human Resources and the composition of Trade Union representatives is a matter for agreement between the Trade Unions.

4.3.5 A time off agreement was reached by the City Council and the Birmingham Trade Union Consortium (BTUC), which includes the recognised Trade Unions with the exception of Unison. This notes that the ACAS guidance should be followed as a minimum and highlights that the approach:

...attempts to overcome the difficulties of a quantitative approach and permits Trade Unions, with the agreement of the Chief Officer, to determine the number of officials they need to carry out the Unions functions at the workplace’ <sup>25</sup>

4.3.6 Some Local Authorities have attempted to put a framework together which bases the number of Union reps on a Trade Unions membership figures. One Local Authority for example gives guidance on the number of full time convenors it will approve, as below:

**Table 8: Guidance on the Number of Full Time Convenors in a Local Authority**

Total Membership	Number of Convenors
500 - 1500	1 full time Convenor
1501 - 3000	1 further Convenor
3001 - 5000	1 further Convenor
5001 - 8000	1 further Convenor
8001 and above	1 further Convenor

4.3.7 Each of the frameworks in other Local Authorities however recognise the need for additional support in particular times when resources are needed and contain caveats, agreeing that additional release will be considered when it is required.

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<sup>25</sup> Birmingham City Council Trade Union time off agreement, p1

# 5 Findings: The Working Relationship

## 5.1 Introduction

5.1.1 The recent Birmingham Contract outlines the position of the Council with regards to its relationship with the Trade Unions:

In the opinion of Birmingham City Council each employee should be a member of a Trade Union in order that collective bargaining is satisfactory and fully representative of all employees. <sup>26</sup>

5.1.2 It is therefore important to ensure that the relationship between the two groups is sound and that both are working in a way that supports Trade Union members, without disadvantaging other employees.

5.1.3 This section summarises the findings from our discussions with Human Resources, the Trade Unions, employees and senior officers in the organisation. It also provides, on the basis of this evidence and that in section 4, recommendations as to how the working relationship might be strengthened.

## 5.2 General Findings

5.2.1 Initially we, as well as those we spoke to through evidence gathering, were surprised to see the above statement in the Birmingham Contract documentation. We would ask whether the Council should consider whether this helps maintain a neutral position.

5.2.2 Helpfully we were told of some of the factors that restrict the development of the relationship

inequalities was discriminatory. The Employment Tribunal and the Court of Appeal found that the GMB had indirectly discriminated against its female members by pushing for acceptance of an offer without releasing the full facts upon which an informed decision could be taken. This included informing their members that part of the reason they were being asked to accept a settlement which was smaller than their full entitlement was so that some of the available money could be used to protect the pay of those losing out in the Job Evaluation System (JES), including male bonus earners.<sup>27</sup>

5.2.4 One of the consequences of the Trade Union being found to have failed in its duty to its members has been a greater distinction more widely between employment practice (guidance) and employment policy (agreement), not only between members but also between the union and the employer.<sup>28</sup>

5.2.8

- 5.3.2 Reflecting on this anecdotal evidence leads us to conclude that a lot of the good partnership working is due to the willingness of the people currently involved. Whilst this is welcome, this did reinforce for us that there was little in the way of formal structure.
- 5.3.3 As highlighted in Section 4, a non-prescriptive arrangement exists between the City Council and the Trade Unions with regards to the number of posts that can be given release time, particularly full time release (the approach permits Trade Unions, with the agreement of the Chief Officer, to determine the number of officials they need to carry out the Unions functions at the workplace). The decision as to which employees are released is dependent on who puts themselves forward to be a Union rep, combined with discussion with managers on whether it is appropriate for that person to be released. Human Resources have the right to reject a request if they would like to keep that employee within their substantive role. This type of approval process was used in other Local Authorities. In addition, Union reps can also be deselected by their members and as a result the employee would need to be reabsorbed back into the organisation.
- 5.3.4 We queried as to why a firmer agreement was not in place and whether one could be established around the working arrangements and the numbers of people involved. Human Resources commented that a formal agreement on the number of Union reps might set a precedent on what should be expected, and changes in circumstances may no longer mean that level of support is required. Support for a firmer agreement was found across the organisation however, with senior officers commenting that there needs to be better control mechanisms and guidance on such things as what 'reasonable' time off means.
- 5.3.5 Whilst less regulation means more freedom to respond to particular circumstances, we would like to see something put in place to further ensure the future stability and development of the relationship, and ensure that new Union reps and officers work to a clearer set of rules. Creating a stronger partnership framework would reflect ACAS best practice and ensure that the right for Trade Union reps to conduct their work is balanced with the need for the efficient running of the organisation.
- 5.3.6 Whilst there was some trepidation from both sides in developing a more structured agreement, we would like to see the options explored. In particular we would like to see the City Council and the Trade Unions examine the various aspects that could be incorporated into a framework, which would need to be subject to regular review. We would also like to see the process for establishing the amount of formal Union representation in the Council reviewed, to identify a 'core' number/FTE of Union reps that the organisation and the Trade Unions require. This should consider both full and part time roles officers commenting vto seans more f211



5.3.11 We understand that creating a set of core Union reps is unlikely to alleviate the pressure currently faced by the Trade Unions. As such, based on the evidence we have heard, we believe there is scope to develop a process for additional Union reps to be created for a time-limited period. This has already happened for one significant piece of work, with two time limited Union reps being released to work on issues surrounding the Birmingham Contract. It is also a method which is used in some other Local Authorities.

5.3.12 We believe there is an added value in proposing this recommendation. The Trade Unions will have additional resources they need for the period in which it is required and the organisation will be able to bring an employee back into their substantive role within a reasonable period. In addition employees will have the opportunity to gain new skills and knowledge through the Union work, which they can use as a development opportunity and bring back into the workplace.

	<b>Recommendation</b>	<b>Responsibility</b>	<b>Completion Date</b>
<b>R02</b>	That the Cabinet Member for Equalities and Human Resources introduces a process by which additional Union reps can be created for a time limited period, with agreement from the City Council and the Trade Unions, in order to deal with significant peaks in demand.	Cabinet Member for Equalities and Human Resources	April 2012

5.3.13 To complement the above two recommendations and contribute to further transparency in the organisation, we would like to see clearer and more readily available information around the numbers and types of Union reps in the organisation, alongside the guidelines for working with Trade Unions. We felt that, whilst officers within HR may have a good understanding around this due to their regular contact with the Trade Unions, for managers in directorates and other employees this may not be so clear. Publishing the relevant information with personal details removed, will allow all interested parties to have easy access to the most up to date information.

	<b>Recommendation</b>	<b>Responsibility</b>	<b>Completion Date</b>
<b>R03</b>	That in order to further promote transparency, the Cabinet Member for Equalities and Human Resources publish the following, ensuring that it is kept up to date: x Guidelines for working with the Trade		







- 5.4.5 Those who were not in a Trade Union also provided some feedback on communication, highlighting that as the Trade Union acts on their behalf through the collective bargaining process, they would like to be consulted with directly for their views. This ties in with the City Council's right and obligation to engage directly with the workforce and we support the actions already being developed to address this e.g. portals to be available in the workplace.
- 5.4.6 There could certainly be some benefits in strengthening the guidelines around communication, reinforcing that both sides are entitled to communicate with employees, which may not have been seen as the position in the past. Whilst naturally there may be some things that are inappropriate to be cascaded through Council channels, we would like to see something in place which confirms the communication routes that can be used and for what kinds of material, including what is suitable for public facing parts of Council buildings. We would also expect that any information which is relevant to non Trade Union members also be disseminated across the organisation to ensure equal access to information.

	<b>Recommendation</b>	<b>Responsibility</b>	<b>Completion Date</b>
<b>R06</b>	That a set of guidance notes are introduced around communication. This should include: x how the City Council will provide facilities to support the Unions with their communications; x guidance on the appropriate items which would be channelled through Council networks and be publicised in Council buildings.	Cabinet Member for Equalities and Human Resources	April 2012

## 5.5 Resources and Funding

- 5.5.1 We recognised the importance of the Council supporting the Trade Unions to carry out their role, as explained in ACAS guidance, and examined what more can be done to make processes more efficient whilst still meeting the required obligations. As such we examined areas around the budget and provisions of facilities focusing on the current legal guidance and frameworks.
- 5.5.2 We understand that crucially, the City Council should continue paying employees whilst they undertake their Trade Union role. They remain City Council employees on Council terms and conditions so it is only right that they continue to be paid through their substantive role. However after examining the concentration of Union reps in directorates we felt that some bear the burden of having to release more staff and continue paying their salaries from the directorate's budget. The result is that they are left with either vacant posts or having to pay to backfill those positions. This is something senior officers highlighted as one of their key concerns, particularly in areas such as Housing and Constituency offices.

5.5.3 Given that Union reps with formal release time are often not restricted to working within their particular substantive directorate, we felt that each directorate should make an equal contribution to the support for Union reps. As such we would like to see thought given to how pressure can be alleviated from particular directorates and a more equitable arrangement put in place, ensuring that all areas of the organisation are contributing to the provision of Trade Union support.

5.5.4 Recommending this way forward also reinforces the value of recommendations 1 and 2, as a clearer picture of Union representation across the organisation will allow managers to regularly identify if any additional pressures are being placed onto particular directorates.

	<b>Recommendation</b>	<b>Responsibility</b>	<b>Completion Date</b>
<b>R07</b>	That the Cabinet Member for Equalities and Human Resources develops a way of ensuring that the responsibility for supporting Union reps is more equitable across directorates.	Cabinet Member for Equalities and Human Resources	April 2012

5.5.5 Whilst we heard that monitoring arrangements were in place with regards to the overall Trade Union budget, highlighted in section 4, there were some outstanding queries on specific spend. These included general costs such as printing and room hire we would like to see examined by officers.

5.5.6 One particular concern was to ensure that the costs of producing Trade Union materials was not being taken from directorate budgets, but kept solely within the Trade Union budget. Within other Local Authorities, budget codes for printing and other materials are used by Union reps to differentiate between the printing of Council and Union materials. We would like to see something like this in place consistently across the Council.

	<b>Recommendation</b>	<b>Responsibility</b>	<b>Completion Date</b>
<b>R08</b>	That the Cabinet Member for Equalities and Human Resources puts measures in place which allows for the monitoring of Trade Union spend under all budget headers, and provides Union reps within directorates with an easy method of charging to that budget code.	Cabinet Member for Equalities and Human Resources	April 2012

5.5.7 When focusing on the budget headers in the overall Trade Union budget, we queried the payment given to one Trade Union as a contribution to the rent of their branch office, and whether it would not be a better arrangement to provide office facilities within the Council buildings, just as is done for the other Trade Unions. We were able to visit the Council offices of one Trade Union to



continues to go through the line manager for both full and part time Union reps. The Trade Unions were clear that the manager remains a key link to the business and completes all the normal procedures with the employee.

5.6.4

workplace in order to meet with team members and keep up to speed with developments. They are also offered the same training opportunities as other employees and are regularly included in team communications.

5.6.9 When the Union reps were asked whether a portion of their time should be spent back in the substantive role, this was not widely supported. One Union rep commented that despite being back in their regular job, Union related work would not stop and should not be ignored. Senior officers however were clear that it may be more appropriate if full time release is rotated around Union Reps or that they do some of their day job so they maintain their links with their substantive post. Officers also highlighted that the City Council needs to continue to be supportive of training for these reps.

5.6.10 We are keen that issues around de-skilling and training are addressed as a priority. This may take the form of a training agreement, a process in which some time is spent back in the substantive role, or by rotating which Union reps are given full time release for Union work. Any way forward agreed should be incorporated into the overall agreements recommended earlier in this report.

	<b>Recommendation</b>	<b>Responsibility</b>	<b>Completion Date</b>
<b>R11</b>	That the Cabinet Member for Equalities and Human Resources develops, in conjunction with the Trade Unions, a way forward to ensure Union reps further enhance links with their substantive role and continue training in line with other employees.	Cabinet Member for Equalities and Human Resources	April 2012

# 6 Conclusions

## 6.1 Introduction

- 6.1.1 There is no doubt that senior officers and Councillors within the City Council recognise and value the contribution that Trade Unions make in the workplace. The purpose of this review therefore was to examine how the relationship between the City Council and the Trade Unions is functioning at this point in time and how this can be strengthened to ensure that both sides, as well as Council employees, maximise the potential benefits.
- 6.1.2 The recommendations which we have proposed in this report exist to encourage debate between the two groups – The City Council and the Trade Unions - on areas which we believe could ensure stronger, more efficient partnership working and increase the benefits to those involved. Any changes which can be taken forward will, of course, need to be consulted on in the proper manner.

	Recommendation	Responsibility	Completion Date
R12	Progress towards achievement of these recommendations should be reported to the Equalities and Human Resources Overview and Scrutiny Committee in June 2012. Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.	Cabinet Member for Equalities and Human Resources	Introd(re Tw [(Equar0h(bl7440.12hgu)-5 [(Pr2(m)pn000nenda)-4.17



# Appendix 1: Employee Survey results

Responses from those who answered YES to Question 1



## Responses from those who answered NO to Question 1