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Northern

8 April 2016

Budget Proposals
Communications Team
Room 106
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Dear Darlington Borough Council,

**Proposal to remove full-time release of UNISON Trade Union Officer
UNION CONTRIBUTION (H3)**

UNISON writes with regard to the above proposal. We ask that you give serious consideration to the following points which detail the benefits to Darlington Borough Council of the UNISON officer employed by the council and granted full-time release for the operational convenience of the council:

1. The Trade Union Full-time release provides the platform upon which the UNISON officer can carry out a demanding role on behalf of you, the employer, which includes: provision of advice to other UNISON members employed by Darlington Borough Council; formal representation (at the convenience of DBC) of UNISON members who are employed by Darlington Borough Council, in grievance and disciplinary hearings; and negotiating with Darlington Borough Council's managers over terms, conditions and collective issues which affect all UNISON members in employment by the council.
2. The consultation paper published by the council sets out, *"Trade Unions stewards recorded time off for union duties was 2013/14 – 21 days, 2014/15 – 22 days, 2015/16 to July 1.75 days. This excludes full time Officials time. It would be expected that this time would increase if the proposal is approved and a FT official is not available."*

By releasing a UNISON workplace steward on a full-time basis, this provides an operational convenience to the council.

By withdrawing full-time release, it is highly likely that there will be no financial saving realised. UNISON members employed by DBC will continue to have a statutory right to representation in matters of grievance and disciplinary. UNISON members employed by DBC will continue to have a right to be consulted upon when changes are to be made to their terms and conditions or when they are to be subject to redundancy or TUPE processes. Each of those occasions will require a UNISON steward to be released from a council department for sufficient time to prepare and attend each meeting and / or hearing. For some services, replacement cover would be required and, if arranged on an agency basis, this cover cost would exceed any projected saving!

We ask you to consider the disruption inherent if a disciplinary process or a consultation meeting were called in working time? Would the council rather be able to call upon someone with full-time release who could quickly and efficiently deal with the matter? Or, if full-time release is withdrawn, another steward would need to be released from their day-to-day job with sufficient notice to enable the service manager to manage the service for the duration of the steward's absence. This would necessitate cover being put in place to cover for the ad-hoc absence.

The current UNISON Branch Secretary is a qualified social worker. The assistant branch secretary is a Fair Trading Officer. Other UNISON stewards occupy other roles across the council's departments. As staffing is being drawn down, which services are better able to deal with the disruption of releasing stewards on an ad-hoc basis as they are needed by the council?

3. The tightly defined set of trade union statutory **duties** (outlined in #1) which are conducted using the full-time release are set out on a legal basis in the Trade Union and Labour Relations (Consolidation) Act 1992 and the ACAS Code of Practice on "Time off for Trade Union Duties and Activities". The UNISON officer on full-time release is not frittering valuable time away on tasks which do not benefit the council.
4. In a survey carried out by the TUC in 2005, 16% of union reps said that less than a quarter of the time they spent on union duties was paid for by the employer. This is true of Darlington's UNISON officers and stewards: much of their representative work is carried out in their own time as well (ie. not in paid work time).

Darlington Borough Council is receiving a Rolls Royce service from its UNISON officers and stewards: it is not being asked to pay the full price of all duties carried out on its behalf.

5. In 2005, the then Department for Business, Enterprise and Regulatory Reform (BERR, now BIS) survey found that union reps in the public sector contribute up to 100,000 unpaid hours of their own time each week. Again, this is true of Darlington's UNISON officers and stewards. If the council refuses to grant release of UNISON stewards to provide representation or negotiation then any hearings or consultation meetings will need to be held in non-working time (evenings) and will be strictly dependent upon the availability of stewards to attend in their own time. UNISON expects all DBC employees to be provided with their statutory rights of consultation and representation. Should this not be provided then UNISON will, of course, have recourse to a remedy at Employment Tribunal.

6. Although there is no obligation on public or private employers to provide paid time off to UNISON representatives or members engaged in union activities, it is not uncommon for them to do so.

These activities include:

- Attending meetings to discuss internal union business
- Attending meetings of union policy making bodies
- Meeting with UNISON full-time officials to discuss Darlington Borough Council workplace issues.

Many public and private sector employers provide this additional support because they recognise that efficient, effective and professional UNISON representatives need to be able to discuss with UNISON members, and other UNISON representatives, issues that influence how representatives approach the issues at hand in representation and bargaining. Many significant private sector employers specifically provide paid release for union representatives to undertake union organising and recruitment activity because they are keen to ensure that, where there is a union in the workplace, it is representative of the workforce as a whole.

7. In 2007, the then Department for Business, Enterprise and Regulatory Reform (BERR, now BIS – Department for Business Innovation and Skills) conducted a review of the facilities and facility time available to workplace representatives. This review used data from the government sponsored 2004 Workplace Employment Relations Survey (WERS 2004)

The key findings published as part of BERR's report were that (in 2004):

- i. Dismissal rates were lower in unionised workplaces with union reps – this resulted in savings related to recruitment costs of **£107m-213m pa**
- ii. Voluntary exit rates were lower in unionised workplaces with union reps, which again resulted in savings related to recruitment costs of **£72m-143m pa**
- iii. Employment tribunal cases are lower in unionised workplaces with union reps resulting in savings to government of **£22m-43m pa**
- iv. Workplace-related injuries were lower in unionised workplaces with union reps so resulting in savings to employers of **£126m-371m pa**
- v. Workplace-related illnesses were lower in unionised workplaces with union reps so resulting in savings to employers of **£45-207m pa**

At 2004 prices, savings in the range of **£372m pa to £977m pa** were accrued as a result of the presence and work of union representatives in private and public sectors. If public sector 'worth' is estimated as 60% of the total this represents a saving of **£223m pa to £586m pa**.

The TUC estimate that for every **£1** spent on trade union facility time / release **between £2 and £5** is returned in accrued benefits on the measures of the costs of dismissal and exit rates. That is a very good return on the investment.

On the basis of these figures, it is suggested that the full-time release of a UNISON officer saves Darlington Borough Council between **£84,788 and £211,970 pa**. Discounting the cost identified in the council's proposal document of £42,394 this still represents a considerable saving.

8. If a UNISON officer is not conveniently available on full-time release, has Darlington Borough Council calculated the implications of the following?
 - a. Cost of keeping staff on medical leave whilst representation at a sickness absence hearing is arranged.
 - b. Cost of keeping staff on paid suspension whilst representation at a disciplinary investigation or a disciplinary hearing is arranged.
 - c. Individual consulting on any future changes to terms and conditions with all members of staff, or, the cost of releasing a number of stewards to carry out collective consultation on the behalf of DBC?

9. In the publication "Personnel Today" 2007, a joint survey with the TUC generated the majority of responses from HR Professionals that unions were an '*essential part of modern employer/employee relations*' and that union officers approached meetings with managers in an '*open, constructive manner*'.

Surely DBC would prefer to have a constructive relationship with a UNISON officer, on full-time release, who understands the specific challenges within DBC and benefits from the relationship of being employed by and working alongside DBC?

10. Barry Rowland, 2012, Chief Executive of Newcastle City Council said, "*The full support of unions and the involvement of workers from across the organisation has been instrumental in helping us achieve budget savings of £44m in the current financial year and to develop proposals to save a further £30m next year. Many of the proposals arise from the innovation and ideas of our staff, and the contribution of union workplace reps has been an important part of that success*".

The release of a full-time UNISON officer has permitted UNISON to work with Darlington Borough Council in minimising the impact of savings on services. The full-time release has enabled the officer to attend consultation meetings and support DBC staff at a time of great worry and distress.

There is a strong legal, moral, economic and practical case for supporting the full time release of the UNISON officer by Darlington Borough Council.

DBC's own consultation paper states:

"The Council wants to maintain good industrial relations and good working relationships with the Unions help to accomplish this. If this funding was not added back and Unison decided not to fund the post there would be a reduced capacity within Unison for helping members and employer negotiations."

I consider this to be a very astute judgement.

Considering the challenges ahead, I ask that Darlington Borough Council reflect on the arguments set out above and make the decision to invest in the full-time release of the UNISON officer.

Yours sincerely,

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