

Mayor and Cabinet		
Report Title	Budget Saving 2016/17 - Reduction in Trade Union Secondment Budget	
Key Decision	No	Item No.
Ward	n/a	
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Class	Open	Date: 2 March 2016

1. Introduction

On 9 December 2015, Mayor & Cabinet approved the proposed revenue budget saving for 2016/17 of £40,000 from the trade union secondment budget. On 15 December 2015, the Overview and Scrutiny Business Panel requested that the implementation of the budget reduction should be referred back to Mayor & Cabinet for final decision.

2. Recommendation

Mayor and Cabinet are requested to approve the proposed reduction in the trade union secondment budget by £40,000 for 2016/17 as outlined in paragraph 3 below;

3. Background

- 3.1 A budget saving of £40,000 has been approved from the corporate trade union secondment budget for 2016/17, subject to final decision by Mayor and Cabinet on 2 March 2016.
- 3.2 The trade union budget which currently stands at £219,000 forms part of the Corporate HR Budget. Whilst the overall budget allocation for HR has reduced by £2m over the past seven years, trade union secondments have continued to be protected and have been excluded from budget savings proposals.
- 3.3. There is a need to rationalise the trade union budget. This is important as the budget becomes an increasingly larger part of the HR budget and given the overall reduction in the Council's workforce and trade union membership. Budget savings of £500K are required from the HR budget over the next two years.

4. Implementation

- 4.1. There will be a vacancy within the secondment allocation for UNISON with effect from 1 April 2016. It is therefore proposed to delete this post thereby reducing UNISON's current secondment allocation by 1FTE (from 3.2FTE to 2.2FTE). This will effectively implement the budget savings requirement for 2016/17. The trade unions have been fully consulted about the budget savings proposal and UNISON has accepted the proposed reduction in the union's secondment allocation.
- 4.2. A review of the Council's time off arrangements for trade union duties and activities (TOFTUA) has been planned for some time. This will subsequently be undertaken in conjunction with the trade unions, in order to clarify and balance out the provision amongst the unions.

5. Financial Implications

- 5.1 The Council has made substantial reductions to its expenditure over the last four years. On all credible economic forecasts, it will continue to need to make further reductions for at least the next four to five years. This report recommends that Mayor & Cabinet approves a reduction of £40,000 to the trade union secondment budget from 2016/17.

6. Legal Implications

- 6.1 The reasons for the proposed decision are as set out at paragraph 3 above. The report makes it clear that the unions have been consulted and that UNISON has consented to the proposed reduction in its secondment.
- 6.2 The Council has a statutory obligation under the Trade Union and Labour Relations (Consolidation) Act 1992 ("TULRCA") to allow reasonable paid time off for certain specified trade union duties relating to negotiation, consultation and representation (as defined in TULRCA) and as specified in the TOFTUA arrangements. Reasonable paid time off must also be allowed as specified in health and safety legislation for specified health and safety representation. Reasonable unpaid time off must be allowed for trade union activities as specified in the ACAS Code of Practice on Time Off For Trade Union Duties and Activities.
- 6.3 There is no statutory obligation to ensure the above legal entitlements are provided for by formal secondment arrangements, but the Council has done so historically and continues to do so, to maintain harmonious relations with the unions and for the sake of clarity.
- 6.4 The budget will need to ensure that the Council is able to continue to comply with its statutory obligations set out above. The consent of UNISON to the reduction as set out at paragraph 3 of this report and the proposed TOFTUA arrangements suggests that this is the case and provide for compliance with the Council's legal obligations.

7. Equalities Implications

- 7.1 The Equality Act 2012 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 7.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 7.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 7.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 7.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 7.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>