
STATUTORY INSTRUMENTS

2017 No. 328

**EMPLOYMENT
TRADE UNIONS**

The Trade Union (Facility Time Publication
Requirements) Regulations 2017

| | | |
|-------------------------------|---------|-----------------------|
| <i>Made</i> | - - - - | <i>8th March 2017</i> |
| <i>Laid before Parliament</i> | | <i>9th March 2017</i> |
| <i>Coming into force</i> | - - | <i>1st April 2017</i> |

The Minister makes the following Regulations in exercise of the powers conferred by section 172A(1), (2), (3), (5), (6) and (10) of the Trade Union and Labour Relations (Consolidation) Act 1992(1).

Citation and commencement

1. These Regulations may be cited as the Trade Union (Facility Time Publication Requirements) Regulations 2017 and come into force on 1st April 2017.

Interpretation: general

2. In these Regulations—

“the 1992 Act” means the Trade Union and Labour Relations (Consolidation) Act 1992;

“paid facility time hours” means the number of hours spent on facility time by an employee who is a relevant union official during a relevant period (excluding hours attributable to time taken off under section 170(1)(b) of the 1992 Act in respect of which a relevant union official does not receive wages from the relevant public sector employer) and “total paid facility time hours” means the total of all such hours spent during that period by all such employees;

“paid trade union activities” means time taken off under section 170(1)(b) of the 1992 Act in respect of which a relevant union official receives wages from the relevant public sector employer;

“relevant period” means a period of 12 months beginning with 1st April, and the first relevant period begins on 1st April 2017;

(1) 1992 c.52. Section 172A was inserted by section 13 of the Trade Union Act 2016 (c.15).

“wages” (and “gross amount” in relation to wages) has the meaning given in section 27 of the Employment Rights Act 1996(2);

“working hours” has the meaning given in section 173(1) of the 1992 Act(3).

Crown employees: person or entity to be treated as an employer

3. For the purposes of section 172A of the 1992 Act, a public authority that is an emanation of the Crown is to be treated as the employer of a relevant union official who is employed by the Crown under or for the purposes of that authority (and a reference in these Regulations to an employee is, in the case of such a public authority, to a person employed by the Crown under or for the purposes of that authority).

Meaning of total cost of facility time

4.—(1) For the purposes of these Regulations, the total cost of facility time for a relevant period is calculated by taking the following steps—

- (a) Step 1 - determine the hourly cost of each employee who was a relevant union official during that period;
- (b) Step 2 – multiply the hourly cost for each such employee by the number of paid facility time hours spent by that employee on facility time during the period (if there is only one employee who was a relevant union official, this amount is the total cost of facility time);
- (c) Step 3 – if there is more than one employee who was a relevant union official, add together each of the amounts produced by the calculations at step 2.

(2) The hourly cost for the purposes of step 1 is calculated by—

- (a) adding—
 - (i) the gross amount spent on wages by the employer in respect of the employee during the period;
 - (ii) the amount spent on pension contributions by the employer in respect of that employee during the period; and
 - (iii) the amount of national insurance contributions paid by the employer in respect of the employee during the period; then
- (b) dividing that amount by the working hours of the employee during the period.

(3) But a notional hourly cost must be used at step 2, instead of the actual hourly cost determined under step 1, where the employee is identifiable.

(4) An employee is identifiable if the employer considers that the use of the actual hourly cost will lead, when the information required to be published under these Regulations is published, to another person being able to identify the employee’s wages during the relevant period.

(5) The notional hourly cost referred to in paragraph (3) must be reasonable having regard to the type of work the identifiable employee ordinarily did for the employer during the relevant period.

Meaning of total pay bill

5. For the purposes of these Regulations, the total pay bill for a relevant period is calculated by adding—

(2) 1996 c.18. Section 27(1) has been amended as follows: paragraphs (ca) and (cb) were inserted by the Employment Act 2002 (c. 22), Schedule 7, paragraph 25; paragraph (ca) was amended, and paragraph (cc) was inserted, by the Children and Families Act 2014 (c. 6), Schedule 7, paragraph 30; paragraph (fa) was inserted by S.I. 2010/93, regulation 1.

(3) Section 173(1) was amended by the Employment Act 2002 (c. 22), Schedule 7, paragraph 21.

- (a) the total gross amount spent on wages by the employer in respect of its employees during the period;
- (b) the total amount spent on pension contributions by the employer in respect of its employees during the period; and
- (c) the total amount of national insurance contributions paid by the employer in respect of its employees during the period.

Meaning of full-time equivalent employee number

6. For the purposes of these Regulations, the full-time equivalent employee number is calculated by—

- (a) establishing the number of full-time employees; and
- (b) adding to that number such fraction as is just and reasonable in respect of those employees who are not full-time.

Relevant public sector employer

7.—(1) Subject to paragraph (3), a public authority referred to in paragraph (2) is specified for the purposes of section 172A(2)(a) of the 1992 Act.

(2) The public authorities are—

- (a) any department of the Government of the United Kingdom (excluding the Secret Intelligence Service, the Security Service and the Government Communications Headquarters);
- (b) the Scottish Ministers; and
- (c) an authority listed, or of a description, in Schedule 1.

(3) An authority of a description in Schedule 1 which is a devolved Welsh authority is not specified for the purposes of section 172A(2)(a).

(4) In paragraph (3), “devolved Welsh authority” has the same meaning as in section 157A of the Government of Wales Act 2006(4) (inserted into that Act by section 4 of the Wales Act 2017(5)).

Requirement to publish information

8.—(1) If the employee number condition is met in respect of a relevant period, a relevant public sector employer must publish the information that comprises the response to the questions, or request for information, set out in Schedule 2 in respect of that period as it applies to that employer.

(2) The employee number condition is met if the relevant public sector employer has a full-time equivalent employee number of more than 49 throughout the entirety of any seven of the months within the relevant period.

(3) The information must be published, together with the questions, or request for information, in the form indicated in Schedule 2.

(4) The information must be published by being—

- (a) placed on a website maintained by or on behalf of the employer before 31st July in the calendar year in which the relevant period to which the information relates ends; and
- (b) included in the employer’s annual report which covers the relevant period, where the employer produces an annual report.

(4) 2006 c. 32.
(5) 2017 c. 4.

(5) If the information is not, by virtue of paragraph (4), placed on a website maintained by or on behalf of the Government of the United Kingdom, the employer must also cause it to be placed on such a website before 31st July in the calendar year in which the relevant period to which the information relates ends.

(6) Paragraph (7) applies to a local authority, the Common Council of the City of London and the Council of the Isles of Scilly if the authority or Council is required to publish information under this regulation in respect of a relevant period.

(7) The authority or Council must comply with the requirements of this regulation separately in relation to—

- (a) its central function employees;
- (b) its education function employees;
- (c) its fire and rescue function employees,

to the extent it has employees within those categories.

(8) The reference in paragraph (7) to “separately” means publishing the information, and carrying out such calculations as are necessary for the purposes of determining the information to be published, as if the employer were a separate employer for each category of employees.

(9) In paragraph (7)—

“central function employees” means employees of the authority or Council other than—

- (a) its fire and rescue function employees; and
- (b) its education function employees;

“education function employees” means persons employed by virtue of section 35(2) of the Education Act 2002(6) (staffing of community, voluntary controlled, community special and maintained nursery schools);

“fire and rescue function employees” means employees employed to carry out functions that the authority or Council has because it is a fire and rescue authority (see section 1 of the Fire and Rescue Services Act 2004(7)).

Ben Gummer
Minister for the Cabinet Office
Cabinet Office

8th March 2017

(6) 2002 c. 32. Section 35(2) was amended by S.I. 2010/1158 so that “local authority” was substituted for “local education authority” (see Schedule 2, Part 1, paragraph 11(2)). For the meaning of “local authority” as used in section 35(2), see section 212(1) of the 2002 Act (as amended by S.I. 2010/1158, Schedule 2, Part 1, paragraph 11(12)) and section 579(1) of the Education Act 1996 (c. 56) (as amended by S.I. 2010/1158, article 3(2)(b)).

(7) 2004 c. 21. The reference in section 1(2)(d) to a metropolitan county fire and civil defence authority is treated as a reference to a metropolitan county fire and rescue authority (see the Civil Contingencies Act 2004 (c. 36), Schedule 2, Part 1, paragraph 10(2)).

SCHEDULE 1

Regulation 7

Public authorities

PART 1

Local Authorities

1. A local authority within the meaning of the Local Government Act 1972⁽⁸⁾.
2. The Council of the Isles of Scilly.
3. The Common Council of the City of London.
4. The Greater London Authority as established under section 1 of the Greater London Authority Act 1999⁽⁹⁾.
5. An economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009⁽¹⁰⁾.
6. A combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.
7. A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽¹¹⁾.
8. A joint board, within the meaning of section 235(1) of the Local Government (Scotland) Act 1973⁽¹²⁾.
9. A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004⁽¹³⁾ or a scheme to which section 4 of that Act applies.
10. A joint fire authority established under Part 4 of the Local Government Act 1985 (police, fire services, civil defence and transport)⁽¹⁴⁾.
11. Any body established pursuant to an order under section 67 of the Local Government Act 1985 (successors to residuary bodies).
12. The London Fire and Emergency Planning Authority as reconstituted by section 328 of the Greater London Authority Act 1999⁽¹⁵⁾.
13. The Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005⁽¹⁶⁾.
14. An internal drainage board which is being continued by virtue of section 1 of the Land Drainage Act 1991⁽¹⁷⁾.
15. Transport for London as established under section 154 of the Greater London Authority Act 1999⁽¹⁸⁾.

⁽⁸⁾ 1972 c.70.

⁽⁹⁾ 1999 c.29.

⁽¹⁰⁾ 2009 c.20.

⁽¹¹⁾ 1994 c.39.

⁽¹²⁾ 1973 c.65.

⁽¹³⁾ 2004 c.21.

⁽¹⁴⁾ 1985 c.51.

⁽¹⁵⁾ 1999 c.29.

⁽¹⁶⁾ 2005 asp 5. Section 1A was inserted by the Police and Fire Reform (Scotland) Act 2012 (asp 8), section 101(1).

⁽¹⁷⁾ 1991 c.59; section 1(1) was amended by Water Act 2014 c.21, Schedule 10, paragraph 4.

⁽¹⁸⁾ 1999 c.29.

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16. The London Transport Users' Committee as established under section 247 of the Greater London Authority Act 1999.
17. A Passenger Transport Executive for an integrated transport area or a passenger transport area within the meaning of Part 2 of the Transport Act 1968(19).
18. The Passengers' Council as established by section 19 of the Railways Act 2005(20).
19. A Transport Partnership established under section 1 of the Transport (Scotland) Act 2005(21).
20. A sub-national transport body established under section 102E of the Local Transport Act 2008(22).
21. A National Park Authority established by an order under section 63 of the Environment Act 1995(23).
22. A National Park Authority established by virtue of Schedule 1 to the National Parks (Scotland) Act 2000(24).
23. The Broads Authority established by section 1 of the Norfolk and Suffolk Broads Act 1988(25).
24. A Conservation Board established under section 86 of the Countryside and Rights of Way Act 2000(26).

PART 2

The National Health Service

25. A clinical commissioning group established under section 14D of the National Health Service Act 2006(27).
26. A National Health Service Foundation Trust established under section 35 of the National Health Service Act 2006(28).
27. A National Health Service Trust established under section 25 of the National Health Service Act 2006.
28. A special health authority established under section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006(29).
29. The Common Services Agency for the Scottish Health Service established under section 10 of the National Health Service (Scotland) Act 1978(30).
30. A Health Board, or Special Health Board, constituted under section 2 of the National Health Service (Scotland) Act 1978(31).

(19) 1968 c.73.

(20) 2005 c.14.

(21) 2005 asp 12.

(22) 2008 c.26. Section 102E was inserted by Cities and Local Government Devolution Act 2016 (c. 1), section 21.

(23) 1995 c.25.

(24) 2000 asp 10.

(25) 1988 c.4.

(26) 2000 c.37.

(27) 2006 c.41. Section 14D was inserted by the Health and Social Care Act 2012 (c.7), section 25(1).

(28) Section 35 is prospectively repealed by the Health and Social Care Act 2012 (c.7), section 180.

(29) 2006 c. 42.

(30) 1978 c.29. Section 10(1) was amended by of the Health Services Act 1980 (c.59), Schedule 6, paragraph 2 and the Public Bodies (Joint Working) Act 2014 (asp 9), section 63(2)(a).

(31) 1978 c.29. Section 2(1)(a) was amended by the Smoking Health and Social Care (Scotland) Act 2005 (asp 13), Schedule 2, paragraph 2(2), the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 7, paragraph 1,

31. Healthcare Improvement Scotland established under section 10A of the National Health Service (Scotland) Act 1978**(32)**.

32. The National Health Service Commissioning Board established under section 1H of the National Health Service Act 2006**(33)**.

33. Monitor.

PART 3

Maintained Schools and other Educational Institutions

34. The governing body of a foundation school, voluntary aided school or foundation special school.

35. The proprietor (as defined in section 579(1) of the Education Act 1996**(34)**) of—

- (a) an Academy school within the meaning of section 1A of the Academies Act 2010**(35)**;
- (b) a 16 to 19 Academy within the meaning of section 1B of that Act;
- (c) an alternative provision Academy within the meaning of section 1C of that Act.

36. The governing body (as defined in section 90 of the Further and Higher Education Act 1992**(36)**) of—

- (a) an institution in the further education sector within the meaning of section 91(3) and (3A) of that Act**(37)**;
- (b) an institution conducted by a higher education corporation within the meaning of section 90(1) of that Act;
- (c) a designated institution for the purposes of Part 2 of that Act, as defined by section 72(3) of that Act.

37. A university, including any college, school, hall or other institution of that university, receiving financial support under section 65 of the Further and Higher Education Act 1992**(38)**.

38. A manager (as defined by section 135 of the Education (Scotland) Act 1980**(39)**) of a central institution within the meaning of that Act.

39. The governing body (as defined by section 35 of the Further and Higher Education (Scotland) Act 2005**(40)**) of an institution in receipt of funding from the Scottish Further and Higher Education Funding Council or a regional strategic body within the meaning of that Act.

and the National Health Service Reform Act 2004 ([asp 7](#)) Schedule 1, paragraph 1(2)(a). Section 2(1)(b) was inserted by the National Health Service and Community Care Act 1990 ([c.19](#)), section 28(a)(ii).

(32) 1978 [c.29](#). Section 10A was inserted by the Public Services Reform (Scotland) Act 2010 ([asp 8](#)), section 108.

(33) Section 1H was inserted by the Health and Social Care Act 2012 ([c.7](#)), section 9. The National Health Service Commissioning Board is known as NHS England.

(34) 1996 [c.56](#).

(35) 2010 [c.32](#); sections 1A, 1B and 1C inserted by Education Act 2011 ([c.21](#)), section 53(7).

(36) 1992 [c.13](#); section 91(3) was amended by and 91(3A) was inserted by the Apprenticeships, Skills, Children and Learning Act 2009 ([c.22](#)), Schedule 8, paragraphs 1 and 13(1), (2) and (3).

(37) Section 91 was amended by the Apprenticeships, Skills, Children and Learning Act 2009, Schedule 8, paragraph 13(1) to (3).

(38) 1992 [c.13](#); section 65(2)(c)(i) was amended by the Local Education Authorities and Children's Service Authorities (Integration of Functions) Order S.I. 2010/1158, Schedule 2, Part 1, paragraph 5(1) and (2); subsections (3A) and (3B) were inserted by the Teaching and Higher Education Act 1998 ([c.30](#)), section 27.

(39) 1980 [c.44](#).

(40) 2005 [asp 6](#). Section 7B (regional strategic bodies) was inserted by the Post-16 Education (Scotland) Act 2013 ([asp 12](#)), section 8.

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PART 4

Police Staff

40. A police and crime commissioner as established by section 1 of the Police Reform and Social Responsibility Act 2011(41).
41. A chief officer of a police force in England or Wales.
42. The British Transport Police Authority as established by section 18 of the Railway and Transport Safety Act 2003(42).
43. The Civil Nuclear Police Authority as established by section 51 of the Energy Act 2004(43).
44. The Scottish Police Authority established under section 1 of the Police and Fire Reform (Scotland) Act 2012(44).

PART 5

Other Bodies

45. Accountant in Bankruptcy.
46. The Advisory, Conciliation and Arbitration Service.
47. The Arts Council England(45).
48. The Arts and Humanities Research Council.
49. The Big Lottery Fund.
50. The Biotechnology and Biological Sciences Research Council.
51. The Board of Commissioners of the Royal Hospital at Chelsea.
52. The Board of Governors of the Museum of London(46).
53. The Board of Trustees of the Armouries.
54. The Board of Trustees of the National Gallery.
55. The Board of Trustees of the National Galleries of Scotland(47).
56. The Board of Trustees of the National Museums and Galleries on Merseyside.
57. The Board of Trustees of the National Museums Scotland(48).
58. The Board of Trustees of the National Portrait Gallery.
59. The Board of Trustees of the Royal Botanic Garden, Edinburgh(49).
60. The Board of Trustees of the Royal Botanic Gardens, Kew.
61. The Board of Trustees of the Science Museum.

(41) [2011 c.13.](#)

(42) [2003 c.20.](#)

(43) [2004 c.20.](#)

(44) [2012 asp 8.](#)

(45) Registered charity number (England and Wales) 1036733.

(46) Registered charity number (England and Wales) 1139250.

(47) Registered charity number (Scotland) SC003728.

(48) Registered charity number (Scotland) SC011130.

(49) Registered charity number (Scotland) SC007983.

62. The Board of Trustees of the Tate Gallery.
63. The Board of Trustees of the Victoria and Albert Museum.
64. The Board of Trustees of the Wallace Collection.
65. The Britain-Russia Centre and the British East-West Centre(50).
66. The British Broadcasting Corporation.
67. The British Council(51).
68. The British Library Board.
69. The British Tourist Authority.
70. The Children and Family Court Advisory and Support Service.
71. The Care Quality Commission.
72. The Children's Commissioner.
73. Children's Hearings Scotland.
74. The Civil Service Commission.
75. The Coal Authority.
76. College of Policing Limited(52).
77. The Commission for Equality and Human Rights.
78. The Commission for Local Administration in England.
79. The Commissioner for Children and Young People in Scotland.
80. The Commissioner for Ethical Standards in Public Life in Scotland.
81. The Commissioner for Public Appointments.
82. The Commissioner for Victims and Witnesses.
83. The Committee on Climate Change.
84. The Community Development Foundation(53).
85. The Community Justice Authority.
86. The Covent Garden Market Authority.
87. Creative Scotland.
88. The Criminal Cases Review Commission.
89. The Crofting Commission.
90. Design Council(54).
91. The Director of Fair Access to Higher Education.
92. The Disclosure and Barring Service.
93. The Doncaster Children's Services Trust.

(50) Registered company number (England and Wales) 0069337.

(51) Registered charity number (England and Wales) 209131; registered charity number (Scotland) SC037733.

(52) Registered company number (England and Wales) 08235199.

(53) Registered charity number (England and Wales) 1139975; registered company number (England and Wales) 07462785.

(54) Registered charity number (England and Wales) 272099.

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94. Ebbsfleet Development Corporation.
95. The Economic and Social Research Council(55).
96. The Engineering and Physical Sciences Research Council.
97. The Engineering Construction Industry Training Board.
98. The English Sports Council.
99. The Environment Agency.
100. Food Standards Scotland.
101. The Gaelic Media Service.
102. Gangmasters and Labour Abuse Authority.
103. The Great Britain-China Centre(56).
104. The Health and Safety Executive.
105. The Health and Social Care Information Centre.
106. Health Education England.
107. The Health Research Authority.
108. Her Majesty’s Chief Inspector of Prisons.
109. Her Majesty’s Inspectorate of Probation for England and Wales.
110. Higher Education Funding Council for England.
111. Highlands and Islands Enterprise.
112. The Historic Buildings and Monuments Commission for England.
113. Historic Environment Scotland(57).
114. The Homes and Communities Agency.
115. The Human Fertilisation and Embryology Authority.
116. The Human Tissue Authority.
117. The Independent Police Complaints Commission.
118. The Information Commissioner.
119. The Institute for Apprenticeships.
120. The Joint Nature Conservation Committee.
121. The Judicial Appointments and Conduct Ombudsman.
122. The Judicial Appointments Commission.
123. The Marine Management Organisation.
124. The Marshall Aid Commemoration Commission.
125. The Medical Research Council(58).
126. Mental Welfare Commission for Scotland.

(55) Registered company number (England and Wales) RC000555.

(56) Registered company number (England and Wales) 01196043.

(57) Registered charity number (Scotland) SC045925.

(58) Registered company number (England and Wales) RC000346.

127. The National Army Museum(59).
128. The National Forest Company(60).
129. The National Institute for Health and Care Excellence.
130. The National Library of Scotland(61).
131. The National Museum of the Royal Navy(62).
132. The National Non-Foods Crops Centre Limited(63).
133. National Records of Scotland.
134. Natural England.
135. Natural Environment Research Council.
136. Nuclear Decommissioning Authority.
137. The Office for Budget Responsibility.
138. The Office of Manpower Economics.
139. The Office of the Scottish Charity Regulator.
140. The Oil and Pipeline Agency.
141. The Parole Board for England and Wales.
142. The Parole Board for Scotland.
143. The Police Investigations and Review Commissioner.
144. The Prisons and Probation Ombudsman for England and Wales.
145. The Registrar of Independent Schools.
146. Registers of Scotland.
147. Revenue Scotland.
148. Risk Management Authority.
149. The Royal Air Force Museum(64).
150. The Science and Technology Facilities Council.
151. The Scottish Ambulance Service Board.
152. The Scottish Children’s Reporter Administration.
153. The Scottish Commission for Human Rights.
154. The Scottish Courts and Tribunals Service.
155. The Scottish Criminal Cases Review Commission.
156. Scottish Enterprise.
157. The Scottish Environment Protection Agency.
158. The Scottish Fiscal Commission.

(59) Registered charity number (England and Wales) 237902.

(60) Registered company number (England and Wales) 02991970.

(61) Registered charity number (Scotland) SC011086.

(62) Registered charity number (England and Wales) 1126283.

(63) Registered company number (England and Wales) 04853659.

(64) Registered charity number (England and Wales) 244708.

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159. The Scottish Further and Higher Education Funding Council.
160. The Scottish Housing Regulator.
161. The Scottish Information Commissioner.
162. The Scottish Legal Aid Board.
163. The Scottish Natural Heritage.
164. The Scottish Public Services Ombudsman.
165. The Scottish Qualifications Authority.
166. The Scottish Road Works Commissioner.
167. The Scottish Social Services Council.
168. The Scottish Sports Council.
169. The Sea Fish Industry Authority.
170. The Security Industry Authority.
171. Sianel Pedwar Cymru (S4C).
172. The Single Source Regulations Office.
173. The Slough Children's Services Trust.
174. Social Care and Social Work Improvement Scotland.
175. The Social Care Institute for Excellence(65).
176. The Sports Grounds Safety Authority.
177. The Standards Commission for Scotland.
178. The Technology Strategy Board(66).
179. The Trustees of the British Museum.
180. The Trustees of the Imperial War Museum.
181. The Trustees of National Heritage Memorial Fund.
182. The Trustees of the National Maritime Museum.
183. The Trustees of the Natural History Museum.
184. The Trustees of the Sir John Soane's Museum(67).
185. The UK Atomic Energy Authority.
186. The UK Commission for Employment and Skills(68).
187. The United Kingdom Anti-Doping Limited(69).
188. The United Kingdom Sports Council(70).
189. VisitScotland.

(65) Registered charity number (England and Wales) 1092778.

(66) Registered company number (England and Wales) RC000818.

(67) Registered charity number (England and Wales) 313609.

(68) Registered company number (England and Wales) 06425800.

(69) Registered company number (England and Wales) 6990867.

(70) Registered company number (England and Wales) RC000765.

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190. The Westminster Foundation for Democracy Limited(71).

191. The Youth Justice Board for England and Wales.

SCHEDULE 2

Regulation 8

Information to be published

Table 1

Relevant union officials

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

| <i>Number of employees who were relevant union officials during the relevant period</i> | <i>Full-time equivalent employee number</i> |
|---|---|
| | |

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?

| <i>Percentage of time</i> | <i>Number of employees</i> |
|---------------------------|----------------------------|
| 0% | |
| 1-50% | |
| 51%-99% | |
| 100% | |

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.

| <i>First Column</i> | <i>Figures</i> |
|---|----------------|
| Provide the total cost of facility time | |
| Provide the total pay bill | |
| Provide the percentage of the total pay bill spent on facility time, calculated as: (total cost of facility time ÷ total pay bill) x 100 | |

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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?

| | |
|---|--|
| <p><i>Time spent on paid trade union activities as a percentage of total paid facility time hours calculated as:</i></p> <p><i>(total hours spent on paid trade union activities by relevant union officials during the relevant period ÷ total paid facility time hours) x 100</i></p> | |
|---|--|

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 172A of the Trade Union and Labour Relations (Consolidation) Act 1992 and make provision in connection with the imposition of requirements on public authorities to publish information in relation to facility time taken by trade union officials.

Regulation 2 defines certain terms.

Regulation 3 specifies who is to be treated, for the purposes of section 172A, as the employer of a relevant union official who is employed by the Crown and makes connected provision about the meaning of “employee”.

Regulation 4 provides how to calculate the total cost of facility time.

Regulation 5 provides how to calculate the total pay bill.

Regulation 6 provides how to calculate the full-time equivalent employee number.

Regulation 7(1) and (2) specifies Government Departments (other than the Secret Intelligence Service, the Security Service and the Government Communications Headquarters), the Scottish Ministers and public authorities described or listed in Schedule 1 for the purposes of the meaning of ‘relevant public sector employer’ under section 172A. Regulation 7(3) excludes devolved Welsh authorities covered by a description in Schedule 1 from being specified for the purposes of the meaning of ‘relevant public sector employer’.

Regulation 8 requires a relevant public sector employer which satisfies the employee number condition for the relevant period to complete and publish the information described in Schedule 2 and makes provision in connection with those requirements.

A full impact assessment of the effect that these Regulations will have on the costs of business, the voluntary sector and the public sector has been prepared. A copy has been placed in the Library of each House of Parliament and is annexed to the Explanatory Memorandum which is available alongside these Regulations at www.legislation.gov.uk.