

**Department of Energy & Climate Change**

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Our ref: **12/1484**

**14 November 2012**

Dear

**RE: Freedom of Information Request**

Thank you for your letter to the Secretary of State received on 22 October 2012, to which I have been asked to respond under the Freedom of Information (FOI) Act. You asked how much Facility Time costs in DECC and whether time is allocated based on total departmental headcount or actual union membership.

You also asked if any Civil Servants who carry out, exclusively, union duties have received non-consolidated performance awards whilst doing so in any of the last ten years and whether any such individuals have been promoted and/or received incremental pay increases.

Under the Freedom of Information Act 2000 ('the Act'), you have the right to:

- know whether we hold the information you require
- be provided with that information (subject to any exemptions under the Act which may apply)

For 2011/12 DECC employed two Full Time Equivalent officers who utilised 252 working days each. In addition, the department had 11 part-time representatives who utilised approximately 10 working days. The total salary costs were £87,491.98.

Having regard to Section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992 and the ACAS Code of Practice reasonable time off is allowed for representatives to carry out trade union duties. DECC recognises three trade unions: First Division Association (FDA), Prospect and Public and Commercial Services Union (PCS). DECC allocates facility time dependent on the amount of time required in consideration of anticipated workplace changes and not on departmental headcount or actual union membership.

Currently, DECC allocates 100 days paid time off per annum to each of the three recognised trade unions. The number of days is reviewed on an annual basis. No individual part-time representative can spend more than 20% of their working hours on their trade union duties. The representatives record the amount of time spent on trade union duties so that it can be accounted for.

In addition, the Unions elect officers to the roles of Departmental Trade Union Side (DTUS) Chair and Secretary. From September 2009 to July 2011 DECC had one full time representative. From July 2011 to date DECC has had two full time representatives in consideration of changes anticipated as a result of the Comprehensive Spending Review.

The above arrangements will change from April 2013 in line with the new Cabinet Office framework on Trade Union facility time and facilities in the Civil Service. Please refer to the Cabinet Office web site for further information (<http://www.cabinetoffice.gov.uk/resource-library/consultation-reform-trade-union-facility-time-and-facilities-civil-service>).

In regard to bonuses, promotion and/ or incremental pay increases in the last 10 years. DECC was established in 2008. I can confirm that DECC holds this information. However, this information is exempt under section 40 (personal information) of the Freedom of Information Act (FOIA), as the information constitutes third party data. Section 40(2) provides that personal data about third parties is exempt information if one of the conditions set

out in section 40(3) is satisfied. Under the FOI Act disclosure of this information would breach the fair processing principle contained in the Data Protection Act (DPA), where it would be unfair to that person/is confidential. In this case given the small numbers of individuals involved, the publication of data in respect of them is not considered to be fair.

In general terms in 2009 prior to entering the pay freeze DECC awarded a flat pay rise to all qualifying staff and non-consolidated performance bonuses were awarded in 2010 and 2011.

The Department does not have responsibility for any publicly funded agencies.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: **Information Rights Unit** ([foi@decc.gov.uk](mailto:foi@decc.gov.uk))

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,