

Employees' Consultative Forum

SUPPLEMENTAL AGENDA 2

DATE: Wednesday 29 January 2020

AGENDA - PART I

Items 8-13 **Joint Unison and Management Discussions Summary (Pages 3 - 8)**

8. EMPLOYEES' SIDE REPORT ON: HRD

9. RESPONSE TO EMPLOYEES' SIDE REPORT ON: HRD

10. EMPLOYEES' SIDE REPORT ON: HOUSING NEEDS

11. RESPONSE TO EMPLOYEES' SIDE REPORT ON: HOUSING NEEDS

12. EMPLOYEES' SIDE REPORT ON: COMMERCIAL ACTIVITIES

13. RESPONSE TO EMPLOYEES' SIDE REPORT ON: COMMERCIAL ACTIVITIES

4 *Note: In accordance with the Local Government (Access to Information) Act 1985, the following agenda items have been admitted late to the agenda by virtue of the special circumstances and urgency detailed below:-*

Agenda item
8-13 Joint Unison and
Management
Discussions Summary
(Pages 3 - 8)

Special Circumstances/Grounds for Urgency
This report, covering agenda items 8-13 listed on the Main Agenda, was not available at the time the Main Agenda was printed and circulated as it was being consulted on.

Members are requested to consider these items, as a matter of urgency, to allow them to be availed of the progress made to resolve the differences.

AGENDA - PART II - Nil

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**REPORT FOR: EMPLOYEE
 CONSULTATIVE FORUM**

Date of Meeting:	Wednesday 29 th January 2020
Subject:	Joint UNISON and Management discussions summary
Key Decision:	No
Responsible Officer:	Jonathan Evans, Director Human Resources Department
Portfolio Holder:	Councillor Swersky
Exempt:	No
Decision subject to Call-in:	No
Wards affected:	N/A
Enclosures:	None

Section 1 – Summary and Recommendations

This report sets out issues recently discussed by UNISON and the Human Resources Department.

Recommendations:

Elected Members are invited to note the efforts made by UNISON to resolve their differences with Management. Whilst it has not been fully possible to resolve these differences, real progress has been made to identify problem areas and to put in place processes to avoid repetition.

Reason:

In Section 2, Management has agreed with UNISON positive steps to avoid misunderstandings. There still remains a matter that Housing management, as operational managers involved, will need to clarify. Human Resources has conceded that more could have been done to consult Harrow trade unions concerning the employees TUPE'd in from Buckinghamshire County Council and, as a result, a better understanding of trade union expectations has been reached.

Section 2 – Report

ECF Agenda Item 9

9.1 UNISON Position

9.1.1 It is UNISON's view that Harrow Council has failed to comply with The Transfer of Undertakings (Protection of Employment) Regulations 2006, in particular Regulations 13, Duty to inform and consult representatives, and 14, Election of Employee Representatives.

9.1.2 It is UNISON's view that Harrow Council has failed to comply with Section 139 of the Employment Rights Act 1996, Redundancy, in that a single redundancy was progressed without any consultation with UNISON.

9.2 Management Position

9.2.1 Elected Members are invited to note that consultation with a view to seeking agreement did take place by Buckinghamshire County Council with staff and their then trade union representatives at Buckinghamshire County Council as part of this TUPE transfer. This fulfilled the legal obligations. However, it is recognised that insufficient time was provided for further consultation with Harrow Council trade unions outside of the legal process and this omission is regretted. The Human Resources Department confirms that additional efforts will be made in future to ensure that trade union colleagues believe that sufficient consultation has taken place and will ensure plans reflect this in the future.

9.2.2 Elected Members are invited to note that the single redundancy was conducted in line with Harrow Council's policy in that consultation with the trade union was not

conducted for a single redundancy. However, it is agreed that the policy is not helpful in demonstrating that fair processes are being applied. If Elected Members are agreeable, this provision will be reviewed in line with a wider review of policies, procedures and guidance

9.3 Suggested Outcome

The Human Resources Department takes the points raised by UNISON as constructive criticism and is fully committed to working with trade union colleagues to improve the effectiveness of consultation. With this in mind, the Human Resources Department would welcome fortnightly or monthly meetings with trade colleagues such that these items can be resolved as quickly as possible and to only involve the Employee Consultative Forum where both parties require guidance from Elected Members as to next steps

ECF Agenda Item 10

11.1 UNISON Position

It is UNISON's belief that a future possible restructure of Housing Needs, is being pre-empted by Housing Needs Managers to benefit certain employees in advance of the restructure of Housing Needs. This is evidenced by UNISON in that two managers at G11 had their jobs re-evaluated to MG1 in 2019.

11.2 Management Position

11.2.1 It is management's view that there will not be a restructure in Housing Needs in the foreseeable future, although it is understood that some re-alignments will take place for which full consultation will be provided.

11.2.2 Examination of the Job Evaluation Policy and Procedure shows that there is no requirement for there to be a restructure or any other major event to trigger a job evaluation request. The two posts referred have been re-evaluated in accordance with Harrow Council's Job Evaluation Policy and Procedure. The Policy and Procedure applies solely to jobs graded G1 – G11. The Policy and Procedure states the following:-

1. *INTRODUCTION*

1.1 *A Job Evaluation request will normally be initiated by a manager following:*

- *a restructure*
- *the creation of a new post*
- *an existing post holder's request in agreement with their manager.*

11.2.3 However, the UNISON suggestion that this evaluation is driven by linkages to unrelated posts is noted and it would be for Housing Management to respond to this point.

11.3 Suggested Outcome

It is suggested that Housing Needs management investigate the matter and demonstrate that the Job Evaluation Policy and Procedure has been complied with and that no unrelated posts have been affected.

ECF Agenda Item12

13.1 UNISON Position

It is UNISON's view that there has been a failure to consult with Harrow Council trade unions over plans to conduct a review of commercial activities which support the Community Directorates financial bottom line to reduce the impact of budget reductions on staff.

13.2 Management Position

UNISON have evidenced a letter from Michael Butler, Director of Environmental Services that states "As part of the process it would be helpful to go through the detail of the review with the Trade Unions and will be arranging a briefing in due course". There is no issue of principle here about willingness to consult trade unions on the planned changes and there is a commitment to do so.

13.3 Suggested Outcome

In the report, UNISON alleges that the Community Directorate has failed to consult concerning planned changes within that Directorate. It is recommended that a regular meeting is set up to include managers and trade union representatives whereby trade union colleagues and a representative from HR meet to formalise consultation processes in the Directorate to avoid any misunderstandings.

Ward Councillors' comments

N/A

Risk Management Implications

Risk included on Directorate risk register? /No

Separate risk register in place? /No

Legal Implications

Regulation 13 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 sets out requirements in relation to the provision of information to, and consultation with, appropriate representatives where there is a relevant transfer. These obligations fall upon the employer of any affected employees. Regulation 14 sets out requirements for the election of employee representatives. This applies where there is no recognised trade union.

Section 139 of the Employment Rights Act 1996 sets out the legal definition of redundancy. There is a legal obligation to consult trade unions about redundancies where it is proposed to dismiss 20 or more employees at one establishment within a period of 90 days or less.

Financial Implications

There are no direct financial implications arising from this report

Equalities implications / Public Sector Equality Duty

There are no direct equalities implications arising specifically from this report.

Section 3 - Statutory Officer Clearance

Name: Dawn Calvert	<input checked="" type="checkbox"/>	Chief Financial Officer
Date: 28 January 2020		
Name: Caroline Eccles	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 28 January 2020		

Name: Charlie Stewart	<input checked="" type="checkbox"/>	Corporate Director
Date: 28 January 2020		

Ward Councillors notified:	NO.
EqIA carried out:	NO

Section 4 - Contact Details and Background Papers

Contact: Jonathan Evans, Interim Head of Human Resources,
jonathan.evans@harrow.gov.uk

Background Papers: None