

# EMPLOYEES' CONSULTATIVE FORUM MINUTES

## 23 NOVEMBER 2016

<b>Chair:</b>	* Mr G Martin	
<b>Councillors:</b>	Kairul Kareema Marikar (3) * Paul Osborn * Ms Mina Parmar * Pritesh Patel	* David Perry (4) * Kiran Ramchandani * Aneka Shah-Levy
<b>Representatives of HTCC:</b>	† Louise Crimmins * Anne Lyons	National Union of Teachers National Association of Headteachers
<b>Representatives of UNISON:</b>	* Mr D Butterfield * Mr S Compton	* Mr J Royle * Mr D Searles
<b>Representatives of GMB:</b>	* Ms P Belgrave	
<b>In attendance:</b>	* Mr J Noble * Mr J Noble	Unison Regional Officer

\* Denotes Member present  
(3) and (4) Denote category of Reserve Members  
† Denotes apologies received

### 24. Attendance by Reserve Members

**RESOLVED:** To note the attendance at this meeting of the following duly appointed Reserve Members:

Ordinary Member

Councillor Graham Henson  
Councillor Sachin Shah

Reserve Member

Councillor David Perry  
Councillor Pamela Fitzpatrick

## **25. Appointment of Chair & Vice Chair**

**RESOLVED:** That Gary Martin (Unison) be appointed as the Chair of the Forum, and Councillor Kiran Ramchandani as the Vice-Chair, for the 2016-17 Municipal Year.

## **26. Appointment of Employees' Side Representatives**

The Forum noted the appointment of Louise Crimmins as the National Union of Teachers representative, and of Anne Lyons as the representative of the National Union of Headteachers.

## **27. Declarations of Interest**

### Agenda Items 10, 11 and 12 - Kenmore Neighbourhood Resource Centre and Trade Union Facility Time

Councillor Pamela Fitzpatrick declared a non-pecuniary interest in these items in that she was a member of the Unite trade union. She would remain in the room whilst the matters were considered and voted upon.

### Agenda Items 9, 10, 11 and 12 - Kenmore Neighbourhood Resource Centre and Trade Union Facility Time

Councillor David Perry declared non-pecuniary interests in these items in that he had been the Leader of the Council at the time of decisions on the future of the Kenmore Neighbourhood Resource Centre, and he was a trade union member. He would remain in the room whilst the matters were considered and voted upon.

### Agenda Items 10, 11 and 12 - Kenmore Neighbourhood Resource Centre and Trade Union Facility Time

Councillor Kiran Ramchandani declared a non-pecuniary interest in these items in that she was a member of the GMB trade union. She would remain in the room whilst the matters were considered and voted upon.

### Agenda Items 11 - Kenmore Neighbourhood Resource Centre

Councillor Paul Osborn declared a non-pecuniary interest in these items in that he had been a Cabinet Member at the time of the issuing of a number of the documents submitted by the Trade Union side in respect of Agenda Item 11. He would remain in the room whilst the matters were considered and voted upon.

## **28. Minutes**

Mr Butterfield considered that Minute 22 did not adequately reflect the concerns of the trade union side and was disappointed that there had been no formal recommendation, simply the Chair "urging" officers to take appropriate action.

**RESOLVED:** That the minutes of the meeting held on 23 February 2016 be taken as read and signed as a correct record.

**29. Public Questions, Deputations and Petitions**

**RESOLVED:** To note that no public questions, deputations or petitions were received at this meeting.

**RESOLVED ITEMS**

**30. Kenmore Neighbourhood Resource Centre**

The Committee considered a submission by the Harrow Unison Branch on the Kenmore Neighbourhood Resource Centre (Agenda Item 9) and a report of the Corporate Director, People Services, on the same matter (Agenda Item 10).

A representative from the Employees' Side considered that the report of the Corporate Director, People Services did not adequately reflect the concerns of the trade unions in relation to the many months of uncertainty caused by the changing information of the status of the employees involved, including lack of clarity on the redundancy position and the application of TUPE (Transfer of Undertakings/Protection of Employment rules). It was suggested that the Director should issue an apology to the staff affected by these uncertainties and delays. The Head of Safeguarding Assurance & Quality Services referred to the proposal for a joint project between the Adults and Commercial Departments which would both continue support services to service users at Kenmore Neighbourhood Resource Centre and bring income to the Council through commercial uses.

The Director, Adult Social Services confirmed that officers had worked over a number of months to develop new approaches as a way of trying to avoid closures, including joint work with the voluntary sector; efforts had been made to brief the trade unions and relevant Members along the way. She stated that, if any of the staff involved had felt distressed by the process, then she, as the responsible Director, was prepared to apologise. She explained that there had, of course, been communication with the staff as the proposals developed, but she would write to them in formal confirmation.

John Noblemunn, the Unison Regional Officer, expressed his appreciation for the Director's apology and his satisfaction that there now appeared to be a workable solution to a matter which had, at one stage, appeared to be developing into a dispute situation.

**RESOLVED:** That the report be noted.

**31. Trade Union Facility Time**

The Committee considered a report by the Employees' Side on the issue of trade union facility time (Agenda Item 11) and a report of the Corporate Director, Resources and Commercial, on the same matter (Agenda Item 12).

One of the representatives of the Employees' Side argued that the Council's current proposals could be said to amount to indirect discrimination against Unison since they would impact disproportionately on those union members given their numbers compared to the other unions. He also referred to the "Risk Management Implications" paragraph on Page 5 of the report of the Director, Resources and Commercial and suggested it envisaged "de-recognition" of trade unions by the Council.

Councillor Ramchandani wished to make it clear that the Administration at the Council were committed to working with the trade unions, would never derecognise a union and importantly, had no intention of removing any facility time at all as part of the current discussions. She explained that, with the appointment of a new director for HR issues, the opportunity had been taken to review a number of policies and procedures, and that this included reconsideration about whether the current facility time arrangements were effective and equitable.

The Head of People and Organisational Development spoke the recognition agreement and wished to underline that the discussions on facility time were entirely separate to these. Also, these discussions had, to date, been completely informal and no formal proposals had been advanced; the Council had no intention to reduce facility time, simply to review arrangements and determine whether they remained fit for purpose and fair to the different unions involved.

The GMB representative explained that she had raised the question of facility time with the Council since the GMB was not satisfied with its allocation of only 2.5 days.

A Member considered it puzzling that the report of the Corporate Director, Resources and Commercial referred to a need to clarify existing provisions of the facility time policy. The Head of People and Organisational Development reported that the arrangements had become complicated and it was considered appropriate to carry out an audit/review to provide a firmer base for the way forward.

The Forum discussed the circumstances which had led to the current position and there was general concern that misunderstandings and a sense of mistrust had somehow developed when, in fact, there had been no particular proposals put forward for consideration. A Member spoke from her experience as a union shop steward and confirmed that the number of members in the different unions had always been an important factor in allocating facility time; she also acknowledged the need for fair treatment of the different unions. The Unison Regional Officer suggested that full-time union officers should have been involved in the discussions at an earlier stage.

The Head of People and Organisational Development apologised that concerns had been allowed to develop. She explained that she had offered a written proposal and a discussion at the Corporate Joint Committee, but the matter had instead been placed on the agenda of this Forum meeting.

Employee Side representatives questioned how the references to the apparent intention not to reduce facility time could be squared with the aim to reduce budgets. The Head of People and Organisational Development explained that the current small budget underspend in this area could be used in this respect, but she had not wanted to commit this in advance of a review of the policy.

A Member regretted that misunderstandings and mistrust had arisen on this issue and suggested that it would be useful to learn lessons from the experience to inform the handling of such matters in future. He proposed that the Portfolio Holder should engage with the unions informally and seek to find an effective accommodation in a spirit of cooperation. The Unison Regional Officer welcomed the clarity and assurances on the issue and the commitment to consultation and negotiations with the trade unions; he also acknowledged the Council's desire to be even-handed in the treatment of different unions.

The Chair gave his view that an equitable allocation of facility time would be 8.5 days for Unison and 3.5 for the GMB, but he accepted that this proposal and others should be discussed between relevant Members, regional officers and local union representatives. All those present agreed that the best course of action was for these informal discussions to take place and for a report to then be made to the Forum sub-group.

**RESOLVED:** That the reports be noted and that relevant Members, regional officers and local union representatives discuss the issues informally following which a report would then be made to the Forum sub-group.

## **32. Employee Data Equalities Report 2015-16**

The Committee considered an information item from the Head of People and Organisational Development which set out the Annual Monitoring Report on Equality in Employment for 2015-16.

An officer outlined the key aspects of the report. She highlighted the low levels of responses to certain questions which made it difficult to draw reliable conclusions, and referred to the efforts to try to encourage more staff engagement in the survey by underlining the reasons for asking such questions and the reassurances about confidentiality. The Council had concerns about the fact that the proportion of BME staff in senior positions had remained static in the year in question, the low number of staff with disabilities and the lower than average retention rates for younger staff.

A representative of the Employees' Side asked about data about staff groups involved in disciplinary or capability procedures; for example, he was concerned that BME staff were disproportionately represented in such cases. It was explained that, while some data was available, there were a number of cases where HR intervention was not required and the local management

information was not collated centrally. The Head of People and Organisational Development agreed that this should be monitored and discussed at the Corporate Joint Committee.

With respect to staff with disabilities, an officer agreed to investigate the area of “Managing for Change” redundancies and medical redeployments.

A Member suggested that the lower levels of BME, disabled and women staff in senior posts could be attributed in part to the ring-fencing of restructuring processes which had the effect limiting the pool of staff considered for newly-created posts. The Head of People and Organisational Development confirmed that there was always a tension between managing restructurings to minimise redundancies and the wider policy objectives of changing the profile of senior staff. It was suggested that the Forum could usefully discuss at a future meeting possible ways of making the senior managers more representative of the communities in the Borough.

A Member proposed that exit interviews should be held on a more structured basis and particularly for younger people, so that the Council could better understand the reasons they moved to other opportunities.

The Head of People and Organisational Development acknowledged the problem of providing online HR support, including the SAP system, to staff without ready access to computers at work. She also supported a suggestion by a Member that the question of hidden disabilities be addressed in the proposed joint work with Harrow Association for the Disabled.

A representative of the Employees’ Side asked for a comparison of the reduction in the number of staff in Pay Band 6 compared to those in other pay bands. He was concerned that the number of these staff was not reducing proportionately and that restructurings at that level sometimes led to staff even receiving higher grades for apparent reductions in levels of responsibility. The Head of People and Organisational Development agreed to analyse these figures.

**RESOLVED:** That the report be noted.

### **33. Terms of Reference for the Corporate Joint Committee**

The Committee considered a report of the Head of People and Organisational Development concerning proposed changes to the terms of reference of the Corporate Joint Committee. A representative of the Employees’ Side suggested that these changes be referred to the Corporate Joint Committee for discussion.

**RESOLVED:** That the proposed changes to the terms of reference of the Corporate Joint Committee, as set out in the report, be referred to that Committee for discussion and that they be noted.

### **34. Date of Next Meeting**

It was noted that the next meeting of the Forum would be held on Thursday, 26 January 2017 at 7.30 pm.

(Note: The meeting, having commenced at 7.30 pm, closed at 8.40 pm).

(Signed) GARY MARTIN  
Chair