

EMPLOYEES' CONSULTATIVE FORUM (SPECIAL) MINUTES

12 DECEMBER 2017

Chair:	* Councillor Kiran Ramchandani	
Councillors:	* Mrs Camilla Bath * Ms Pamela Fitzpatrick * Graham Henson	* Ms Mina Parmar * Pritesh Patel * Sachin Shah
Teacher Representatives:	† Ms L Crimmins * Ms A Lyons	- NUT - NAHT
Unison Representatives:	* Mr D Butterfield * Mr G Martin	* Mr D Searles
GMB Representative:	* Ms P Belgrave	
In attendance:	Ms Helen Purcell, Regional Organiser, GMB London Region	(non-voting)

- * Denotes Member present
- † Denotes apologies received

46. Attendance by Reserve Members

RESOLVED: To note that no Reserve Members had been nominated to attend the meeting.

47. Declarations of Interest

Agenda Items 6, 7, 8, 9, 10, 11 and 12:

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.

Councillor Graham Henson declared a non-pecuniary interest in these items in that he was a member of the GMB and CWU trade unions, and had been a member of the Unison trade union. He would remain in the room whilst the matters were considered and voted upon.

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.

Councillor Sachin Shah declared a non-pecuniary interest in these items in that he was a member of the Unite trade union. He would remain in the room whilst the matters were considered and voted upon.

48. Appointment of Vice Chair

RESOLVED: That Gary Martin be appointed as the Vice-Chair of the Forum for the remainder of the 2017-18 Municipal Year.

49. Minutes

RESOLVED: That the minutes of the meeting held on 8 February 2017 be taken as read and signed as a correct record.

50. Deputations

RESOLVED: To note that no deputations were received at this meeting under the provisions of Executive Procedure Rule 48 (Part 4D of the Constitution).

51. Petitions

Under the provisions of Executive Procedure Rule 49 (Part 4D of the Constitution), the Forum received from a Unison member a petition concerning the recent recruitment of a manager.

The GMB regional officer queried whether the submission of items such as this and others on the agenda by Unison was an appropriate use of the Forum; in her view, they did not seem to be covered in the Forum's terms of reference and this approach was unusual in other authorities in her experience. The Chair explained that the inclusion of these items on the agenda reflected in part the difficulties in convening departmental joint committee meetings in recent weeks; she had offered a meeting of the Forum sub-group, but this had not been taken up by Unison.

RESOLVED ITEMS

52. **Annual Equality in Employment Monitoring Report for 1 April 2016 - 31 March 2017**

A Unison representative suggested that information on staff grievances analysed by protected characteristics and departments, should be included in these reports in future. If this information was available at this stage, it should be circulated to Forum members.

A Member referred to the importance of monitoring the incidence of mental illness among staff. It was acknowledged that care would need to be taken about the information and the wording of categories of illnesses; the Time to Change accreditation process might provide a framework for this and appropriate questions could be included in the staff survey.

The Forum recognised the issue of the under-representation of female staff at the higher levels of management and the need to continue monitoring this and taking action to address it, such as using encouragement statements in relevant job adverts. It was noted that there was differential recruitment for different types of jobs, reflecting patterns of applications, say, as between technical services and social care. Traditionally, women had been more interested in particular areas of work, but this was changing including the proportion of female applicants for senior management roles.

In response to a Member's query, it was confirmed that the Council was also addressing the recruitment and retention of young people; the example was given of a recent initiative in this area by the Housing Department.

A Unison representative asked about whether there were differences between the recruitment processes and standards as between external and internal applicants. It was explained that Pertemps handled the Council's recruitment in line with approved Council policies.

It was agreed that :

- a) information on the number of grievances submitted by staff, analysed by protected characteristics and departments, be circulated to Forum members;
- b) consideration be given to introducing a question on staff mental health in the staff survey;
- c) consideration be given to the inclusion in job adverts of statements encouraging young people to apply and encouraging female applicants for senior roles.

53. **Non compliance of Statutory Responsibilities, Failure to engage in the Environment & Communities Directorate**

A Unison representative introduced the issues of concern to the union, in particular, the apparent establishment of management posts/grades at odds with the approved structure and the escalation of costs associated with the

reorganisation, particularly the money spent on “consultants” as part of the exercise. It was alleged that there was no “evidence base” to the management response to these concerns and that staff displaced by the reorganisation had been retained on unaltered grades and that some of those appointed had “failed” their interviews.

The Divisional Director, Environment and Culture gave the background to the reorganisation, including consultation with staff representatives via the departmental joint committee in April 2017. As a result of the reorganisation, no member of staff had been displaced or had suffered detriment. The Council’s policy was to manage these restructurings so as to minimise compulsory redundancies, and the appropriate recruitment procedures had been followed.

A Unison representative asked a number of questions as follows:

- a) Did the staff appointed to MG1 posts go through the same recruitment process, and was the same matrix apply to external candidates, as those staff who were displaced from posts?
- b) What were the overall costs of the new structure compared to previous estimates?
- c) Since 17 February 2017, what have been the costs of the salaries of those staff who did not apply for jobs in the new structure and have continued to receive a salary?
- d) With respect to the Assistant Manager posts in the Environment and Community Services reorganisation, how do the 7 posts now filled compare to the 6 posts agreed in the restructuring and what is proposed for the two staff at that tier who did not apply for the new posts?
- e) How had it been decided to recruit to one of the Civic Amenity manager roles and not two?
- f) How should Unison deal with the requirement under Paragraph 2.3 of the Code of Conduct for Employees to report “failure in service standards”?
- g) What had been the total cost of consultants working in relation to this reorganisation?
- h) How had the service progressed, given that there had been problems with the launch of the food waste service?
- i) How was it is the case that there were now two identical roles in the new structure with two different salaries?

The Divisional Director, Environment and Culture gave the following responses:

- a) The detail of the recruitment processes would be obtained and shared with members of the Forum.
- b) The overall costs were some £200,000 more than the costs of the original structure; the structure had been agreed with the trade union and was designed to secure a service which would be fit for purpose for the next five years at least.
- c) The member of staff concerned had been subject to a medical condition and had only returned to work recently.
- d) There was a need to review the position and clarify the reasons for the Assistant Manager arrangements.
- e) As mentioned in the management response in the report, there had been no change to the structure without staff consultation. One of the posts had been filled while the other was being reviewed, as required by the Recruitment and Selection Procedure in these circumstances. An agency member of staff had been engaged in the interim to cover the requirements of the operating licence.
- f) The appropriate recourse was to report alleged service failure to the relevant manager or indeed to the Divisional Director.
- g) Information on the total cost of consultants used to advise and cover posts as part of the reorganisation, would be circulated to members of the Forum.
- h) The service had secured a number of achievements including improvements to street cleansing and recycling, and an improved financial position. The work continued with a focus on a 3 to 5-year programme. The service would have to address the budget saving requirements set by the Council.
- i) Clarification would be provided to members of the Forum about the relevant job descriptions and specifications.

The Forum discussed the circumstances of the appointment to 7 Assistant Manager posts compared to the 6 posts originally agreed in the restructuring. With the continued employment of two other managers who had not applied for the new posts, the situation was difficult to understand. The Divisional Director explained that there were two staff who were being considered under the Council's arrangements for redeployment or potential redundancy; it was hoped that their positions would be resolved before the end of the year. The budget for the service was being reviewed and in this context, the Assistant Manager arrangements would be considered further to ensure that they were effective.

At this point of the meeting (8.20 pm) the Forum resolved that the press and public be excluded from the meeting for following part of the consideration of this item on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972.

A Unison representative referred to the information provided about the rates of pay for LGV2 drivers which he said demonstrated that Harrow rates were below the national average. He set this in the context of the reorganisation costing £200,000 more than the original structure and the costly use of agency staff, and queried how the Divisional Director was intending to address the situation. The Divisional Director advised that the rates of pay had been compared with other London Boroughs and this had revealed that Harrow was the highest payer with the exception of Barnet. He argued that Harrow had a relatively low level of staff turnover in the service, though he accepted that it was difficult to retain agency staff given competition from other employers.

The Unison representative argued that the information available in the committee papers and provided by the Council's own recruitment company, contradicted the position described by the Divisional Director. He referred to the information in the Unison report on the agenda which explained the shortage of drivers in the sector, and he also stated that the drivers for the Council's waste collection vehicles were LGV1 class drivers. The Divisional Director agreed to share the information available to him about comparisons of rates of pay with other London Boroughs with members of the Forum. It was also agreed that London Councils be asked whether they had conducted any survey of London Borough rates of pay for LGV2 drivers.

At this point in the meeting (8.35 pm), the Forum resolved to re-admit the press and public to the meeting as discussion of the exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, had been completed.

54. Harrow Unison LG Branch Report On Unilateral Changes to Role Profiles & The Undermining of the Recognition Agreement

A Unison representative argued that the Council's approach to changes to the recruitment and selection process had breached the requirement of the Recognition Agreement to consult with the trade unions prior to introducing changes. He was concerned that the union had not been given access to all the documents involved, and he disagreed with the explanation given in the written management response. He argued that the recruitment arrangements were contractual and that the Council should have consulted formally before proceeding with them.

The Interim Head of HR acknowledged that some of the terminology used by HR staff could have been more helpful in achieving a positive and clear communication of, and consultation on, the changes. However, the fundamental position was that these were not matters on which the Council had any obligation to negotiate formally with the trade unions; the changes did not affect employment terms and conditions, and were simply intended to modernise recruitment practices in line with ACAS guidelines. The recruitment and selection policy was not a contractual policy. The arrangements were essentially "pre-contractual" in that they concerned applicants for posts prior to their employment in those jobs.

The regional Officer for the GMB stated that the report on the agenda solely reflected Unison's view of the alleged breach of the Recognition Agreement and the GMB did not concur with that view.

The Unison representative argued that the new job profiles would be used in service reorganisations and would therefore clearly affect existing staff; in this sense, they would be part of the employment contract as were traditional job descriptions. The Interim Head of HR confirmed that the generic job profile statements would not be altered without consultation and he was content to halt the implementation of the changes pending discussions with the trade unions; the relevant documents would be shared with them. He was interested to know whether the trade unions had any substantive objection or concern about the content of the proposed changes, as they simply reflected good practice in modern recruitment arrangements.

Another Unison representative stated that discussions did not constitute consultation.

A Member suggested that the Forum should have access to the full Recognition Agreement to be satisfied about the formal requirements with regard to negotiation and consultation. A copy of the full Recognition Agreement between the Council and staff representatives would be circulated to all members of the Forum. It was also agreed that further information on the job profiles and supporting documents be sent to all members of ECF to promote a better understanding of the implications of the changes, and that a discussion at the CJC to be arranged if necessary.

55. Failure in the Housing Directorate Senior Management Team

In speaking to their report, Unison representatives referred to an ACAS case from 2011 in which the Council had been found not to have followed agreed policies and procedures. They argued that the matters covered in the report suggested that the Council was again failing in this respect and, in particular, that senior managers were being permitted to handle staff grievances in a dismissive and disrespectful way, infringing employees' rights to a fair hearing. The Interim Head of HR underlined that it was not appropriate for the Forum to discuss the individual cases which were the basis of the Unison report since these were still live and under investigation. He reassured the union representatives that the Council would address any learning points arising and, in response to a suggestion from the Chair, he agreed to check relevant training for managers in handling such cases.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.10 pm).

(Signed) COUNCILLOR KIRAN RAMCHANDANI
Chair