

EMPLOYEES' CONSULTATIVE FORUM

8 JULY 2003

Chair: * Councillor Sanjay Dighé

Councillors: * Mrs Bath * Lavingia (4)
* Janet Cowan * Mrs Joyce Nickolay
* Gate (2) * N Shah

Representatives (Currently no appointees)
of HTCC:

Representatives * Mrs K Bubbenzer * Mr B Shewry
of UNISON: * Ms D Prasad * Mr R Thornton
† Mr J Rattray * Ms W Williams

* Denotes Member present/Employee Representative present

(2), (4) Denote category of Reserve Member

† Denotes apologies received

[Note: It was noted that Councillor Toms was absent due to attendance at a School Governors' meeting]

52. **Appointment of Chair:**
RESOLVED: To note the appointment of Councillor Dighé, at the Cabinet meeting on 20 May 2003, as Chair of the Employees' Consultative Forum for the Municipal Year 2003/04, under the provisions of Rule 5.1 of the Advisory Panel and Consultative Forum Constitution Rules.
53. **Mr R Thornton: Harrow UNISON Branch Secretary:**
The Chair formally welcomed Ron Thornton to this first Employees' Consultative Forum meeting in his capacity as the newly appointed Harrow UNISON Branch Secretary.
54. **Attendance by Reserve Members:**
RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members:-
- | <u>Ordinary Member</u> | <u>Reserve Member</u> |
|------------------------|-----------------------|
| Councillor Currie | Councillor Gate |
| Councillor Toms | Councillor Lavingia |
55. **Declarations of Interest:**
RESOLVED: To note that there were no declarations of interest by members of the Forum in relation to the business to be transacted at this meeting.
56. **Arrangement of Agenda:**
RESOLVED: That all the items on the agenda be considered with the press and public present.
57. **Appointment of Vice-Chair:**
Further to a nomination made from the Employee Side and duly seconded,
RESOLVED: That Mr Brian Shewry (UNISON) be appointed Vice-Chair of the Employees' Consultative Forum for the Municipal Year 2003/04.
58. **Minutes:**
RESOLVED: That the minutes of the previous Forum meeting held on 26 March 2003, having been circulated, be taken as read and signed as a correct record.
59. **Matters Arising from the Minutes:**
The Forum considered the following matters arising:-
- (i) West Lodge Schools: Minute 16 (12.9.02): It was advised that the Schools were in the process of evaluating the suitability of new chairs. Only were there to be a difficulty arising with the new chairs would it be necessary to undertake a joint management/UNISON site inspection. The intention would be to resolve any further issues without resort to this Forum.

(ii) Housing Department Incident and Accident Reporting Procedures – Minute 36(5): The Interim Head of Personnel confirmed that following the comments made by UNISON on the initial draft report into this matter, the receipt of the final report from the independent officer (employed by Reading Borough Council) was still awaited. Management had been urgently requesting that final version, without success to date.

UNISON emphasised the elapse of time in bringing this matter to a resolution and referred to their reservations as to the methodology adopted for drawing-up the initial draft report.

The Chair accepted that the matter was urgent and requested that all members of the Forum be advised as soon as possible regarding the up to date position in producing a final report.

60. **Public Questions, Petitions and Deputations:**

RESOLVED: To note that there were no public questions, petitions or deputations made at this meeting under the provisions of Advisory Panel and Consultative Forum Procedure Rules 15, 13 and 14 respectively.

61. **Employee Side - Substitute Membership:**

The Forum was advised of a formal request on behalf of UNISON for the appointment of a Reserve Member to act on those occasions when one of their representatives was unable to attend a Forum meeting.

RESOLVED: That Mr D Boyle be recognised as a nominee on behalf of UNISON under Section 4.1 of the Forum's Terms of Reference eligible to be co-opted as a substitute for any one of their representatives.

62. **Annual Equality Monitoring Report - 1 April 2002 to 31 March 2003:**

The Forum received a report providing the outcomes of employment monitoring of the Council's equalities performance during the period 1 April 2002 to 31 March 2003 and recommending the targets against which performance should be measured for the 2003/04 year. The detailed report and appendices was prefaced by an Executive Summary which identified the principal outcomes or issues arising under the performance measures for ethnic origin, disability and gender and the general headings of performance indicators and review of progress during 2002/03. The meeting received and noted the Executive Summary content.

With reference to the success ratio for black and ethnic minorities applying for Council posts it was confirmed that this had been 0.53 for 2002/03, falling short again of the Council's target ratio of 0.7 and the Commission for Racial Equality target of 0.8. The appointment rates of Asian applicants was particularly disproportionately low compared with the numbers securing interviews.

UNISON raised a number of queries concerning this phenomenon. It was asked whether the majority of successful appointments had been women to lower-paid jobs within the Social Services Department. The Forum noted that such detail was not available for this meeting but could form part of the review to be undertaken by a project group with an objective of improving the appointment rates for Asian applicants. An update on the issues raised, if available, would be notified to the next Forum meeting.

Some of the current initiatives to improve the Council's recruitment of black and ethnic minorities were confirmed. The success ratio target remained difficult to attain but on balance it was considered appropriate to maintain it at its current level of 0.7 as a target to be aimed for.

The Forum also received a tabled paper for information relating to the outcomes to date for the new Senior Management appointments since 1 April 2003 (falling outside the remit of the annual report for 2002/03). For the four posts concerned three appointments had been made and each of the successful candidates had been white males. The details as to the ethnicity, gender and disability of all the candidates was set out, together with the responses secured by the various media outlets. The failure to improve the workforce equality profile at the highest levels was noted as a disappointing outcome, tempered by the assessment that all the correct measures to achieve minority category appointments had been put in place.

UNISON also raised a general concern under the Disability category in relation to the support procedures available to employees who were suffering from mental health or long-term illness problems. They contended that there might be a lack of recognition

within departmental management of the needs of such employees. Coupled with a reluctance on the part of employees to declare themselves as disabled for such purposes, this was believed to have led to inappropriate responses to the needs of employees in these categories.

The Council Side expressed its own concern at UNISON's statements that such employees might not be receiving the appropriate management response. It was proposed that officers discuss these issues with UNISON, with a view to examining specific instances and teasing-out the general issues which might require to be addressed. It was agreed that further to those discussions, any relevant lessons arising should be advised to a future meeting of the Forum.

Having undertaken a full discussion, it was formally agreed in relation to the annual equality monitoring report:-

(1) that the monitoring information for 2002/03 be noted;

(2) that the Council's performance targets for 2003/04 be agreed, as set out in Appendix 5 to the officer report.

63. **The Working Draft Improvement Plan - Progress Report Against Priority 9 (Human Resources Strategy):**

The Forum received a report detailing progress against Priority 9 (Human Resources Strategy) of the Working Draft Improvement Plan, agreed by the Cabinet in response to the Comprehensive Performance Assessment and IDeA Peer Review.

Attention was drawn to the Table of Progress within the officer report which detailed the four principal tasks under Priority 9 and the critical dates and current progress relevant to each. Appended to the officer report was a Project Outline and Initiation Document in respect of the Human Resources Strategy. All of this was within the context that the Forum was to receive quarterly such reports to monitor progress against the targets. Members of the Forum were encouraged to attend the consultation workshops to be held on 18 July for the development of the Human Resources Strategy.

UNISON queried whether the indicated launch event for the Human Resources Strategy at a cost of £5,000 would be a justifiable and cost effective use of resources. It was confirmed that while this remained an estimate it was a reasonable cost for the purpose, which would have a primary purpose of ensuring effective communication of the Strategy to all interested parties.

There was a discussion concerning the task which was a programme of measures to address sickness absence. There was a general consensus that it was the duty of an employer to address the issue of sickness affecting the workforce and that the absence levels recorded for the Authority compared unfavourably with most other London Boroughs. Harrow also had to measure its absence rates for the purpose of Best Value Performance Indicator 12.

However, UNISON expressed some reservations on the application of absence procedures which in some recent instances had appeared to be over-zealous and insensitive in responding to legitimate periods of sickness absence. It was agreed that these instances should be discussed with UNISON and any inappropriate application of procedures reported on to the Forum. Officers confirmed that there had been a specific absence procedure in place for some time but that managers had been reminded to be pro-active in operating it and there was a general policy to raise the awareness of the existence of the procedure in the context of Harrow's current high levels of recorded absence. Inherent to improving monitoring and management of absence was distinguishing, inter alia, between long-term and short-term absences and deploying appropriate measures relevant to each. It was noted as a general trend that external research indicated older workers were less prone to be absent from the work place.

The Forum formally noted the progress being made against Priority 9 (Human Resources Strategy) of the Working Draft Improvement Plan, as agreed by Cabinet in response to the CPA and IDeA Peer Review, and the revised timescale for development of a Human Resources Strategy, now due to be reported to Cabinet in January 2004 for approval.

64. **New Harrow Project - Protocol for Organisational Change - Progress Report:**

The Forum received a report detailing the progress of consultation with the Trade Unions on implementing the Protocol for Managing Organisational Change, which additionally sought the Forum's agreement to the proposed courses of action to

conclude the matter. The background to the development of the Protocol was reiterated, whereby the Forum at its meeting in July 2002 had requested the Chief Personnel Officer to examine the issues involved in managing change on the scale of that proposed in the New Harrow Project. Subsequently, the adoption of a Protocol in this matter was identified as Priority 2 in the Authority's Working Draft Improvement Plan.

At paragraph 6.5 of the officer report the position was set out regarding progress in consulting on the draft Protocol and its detailed appendices. There had been an outstanding difficulty in undertaking consultation with the Harrow Teachers' Consultation Committee but it was advised orally that this had now been completed satisfactorily.

The attention of the meeting was drawn to the one substantive issue outstanding from consultations with UNISON relating to the duration of any protection provisions for the pay of employees displaced to lower remunerated posts, an arrangement known as "red circling". The Council's position was that the Equal Opportunities Commission (EOC) Code of Practice on Equal Pay identified "red circling" as potentially being a justification for equal pay claims from other employees in equivalent posts not enjoying the protected remuneration level. This required the Authority to ensure that such protection was not extended beyond a defined transition period.

Following protracted consultation on this issue, there had been a measure of agreement achieved on which UNISON intended to ballot its membership.

UNISON registered their objection in principle to the moves to reduce "red circling" protection. They pointed out that only some 52 employees currently were benefiting from such an arrangement, of whom 35 were Contract Service employees related to the introduction of 'single status' pay and those employees' protection was likely to be eliminated very shortly following revised working agreements. Accordingly, the incidence and cost to the Authority of "red circling" was minimal. UNISON viewed the proposed restriction of "red circling" in the new Protocol as having the objective of reducing the pay bill and the reference to the EOC Code of Practice as a device to justify that intention. They regretted that the Council's motivation was financially driven. It was confirmed that the UNISON membership ballot on the present form of the proposal was to commence on 11 July.

On behalf of the Council Side, the interpretation offered by UNISON was denied. The Chair of the Forum emphasised that he welcomed the prospect of achieving an agreement with UNISON and the other Trade Unions on the Protocol. However, he confirmed that in the context of the timescale for completing the Council's Improvement Plan a limit had to be placed now on any further consultation and, as might be necessary, an executive decision would be taken to implement the Protocol as currently negotiated.

The Forum accordingly formally agreed:-

- (1) that consultation with UNISON continue, with a view to reaching agreement on the Protocol on Managing Organisational Change by 31 August 2003;
- (2) that, in the event that it is not possible to reach agreement by 31 August 2003, a report be prepared for Cabinet recommending implementation of the Protocol without further consultation.

65. **Representations on behalf of the Harrow Teachers' Consultative Committee:**
Arising from the previous item (Minute 64 refers), concerns was expressed at the continuing absence of any representation at these Forum meetings on behalf of the Harrow Teachers' Consultative Committee (HTCC).

It was confirmed that since the departure of its previous Chair, HTCC had been experiencing organisational difficulties, including the appointment of a new Chair.

It was agreed that the Chair of this Forum be authorised to write to HTCC representatives to convey the concern at the lack of their representation on the Forum and to encourage nominations at the earliest opportunity. The letter was to be copied to the Education and Lifelong Learning Portfolio Holder and all members of the Forum for information.

66. **Civic Centre Car Parking - Visitors' Car Park:**

The Acting Director of Environmental Services submitted a report outlining the proposals for implementing the Council's Budget decision to introduce charging for the Visitors' Car Park at the Civic Centre, including the timescale for implementation and the consultation procedures. The meeting also received a tabled paper providing supplementary information as to a wider policy context for introducing Civic Centre car park charging and its relevance to corporate priorities. In the introduction to the contents of these two papers it was emphasised that the charging for visitors had a target implementation date of 6 October 2003 but that this was the starting point for a general review of car parking on site with staff parking to be affected from October 2004.

UNISON were in agreement that the use of the car parks by commuters and other persons not employed at the Civic Centre or otherwise visiting on official business should be addressed. In that connection they would be proposing to officers that the indicated tariff regime should be amended.

However, UNISON representatives conveyed their opposition to changes which would adversely affect the ability of staff to park at the Civic Centre, some of whom were currently obliged to overspill into the Visitors' Car Park. They were determined to protect the rights of staff, in particular those who were required by the Council to provide a car to carry out their duties and/or who were obliged to work outside normal office hours and would have transport and safety issues if unable to utilise on site car parking. The needs of the disabled were also a concern to be taken into account.

There was a general discussion as to the status of the proposal regarding Visitors' Car Parking and the provision for further consultation with employees. It was advised that a wider consultation was to be commenced by the issuing of a newsletter to staff. The decision on the arrangements, as previously authorised by the Council, was due to be confirmed in due course by the relevant Portfolio Holder and would not be returning to this Forum for further consideration.

Consultation with staff on any extended proposals relating to Staff Car Parks at the Civic Centre would be a separate, subsequent undertaking. Reference was made to a Working Party which was to effect consultation on the current proposals, which UNISON had been invited to attend.

The UNISON Branch Secretary advised that they would decline to participate in the Working Party as a matter of principle regarding the affect on staff.

67. **Arms Length Management Organisation (ALMO) Proposal:**

The Head of Housing and Environmental Health Services submitted a report advising the Forum of proposals to set up an Arms Length Management Organisation (ALMO) to manage the Council's permanent housing stock and to outline the mechanisms in place to ensure full involvement of the staff in the process.

The report explained the context in which the Government required Local Authorities to close any investment gap to bring their housing stock up to a required standard, called Decent Homes, by 2010. There were a number of prescribed options for achieving this and following a Housing Options Appraisal in 2000, and subsequent review, it had been determined that an ALMO was the appropriate solution for Harrow. The identified investment gap was £12 million. An application had been made for Harrow to be included in the Government's latest ALMO programme, with a view to passing an inspection in due course and qualifying for a draw-down of the necessary resources.

The report provided a detailed commentary on the implications and application of Transfer of Undertakings (Protection of Employment) Regulations 1981 (TUPE) in respect of staff within Housing Services who were to transfer to the ALMO. Work remained to be done on identifying the full range of staff involved in the landlord function currently located in other departments but it was hoped by the end of July to have the complete list of staff due to be transferred.

UNISON stated that their policy was to oppose the establishment of ALMOs, as being retrograde and the removal of public sector housing from the democratic ambit. It was noted that only one third of the ALMO Board of Directors would be elected Councillors. It was conceded that the ALMO solution might be the least worst of the options available to the Council.

There was a discussion concerning the technical aspects of the Prudential Borrowing option, which would be available in 2004. Members and officers both advised that the

option was not suitable for Harrow to pursue and would have a number of significant financial implications for the Authority.

UNISON made representations on behalf of employees who were likely to be affected by transfer to the ALMO, primarily Building Works Section (Contract Services), and advised that there was disenchantment with the way in which they had been treated up to this point. The Head of Housing and Environmental Health Services acknowledged that a first priority had been the submission of an ALMO bid by the deadline date and that ground would now be made up through a programme of consultation with these staff. The Chair of the Forum confirmed that the indicative date of 1 December for the ALMO to go live could be deferred if that were appropriate to ensure that all staff had been fully involved and consulted.

The Forum noted that a number of other London Boroughs had already established ALMOs, although they were all too recently operative to formulate a judgement on their success at this point. A decision on Harrow's ALMO application was expected by the end of July. The housing stock remained in the ownership of the Local Authority and ALMOs were generally established for an initially time limited period of ten years, with a form of review at five years.

In that context the formation of an ALMO was not an irreversible process but it would be presumed that a Local Authority would not wish to unravel a successful ALMO.

The officer report in this matter was received and noted.

68. **South Harrow Public Realm Maintenance Services Pilot - Evaluation Report: and New Harrow Project - Public Realm Maintenance Services - Roll Out to Areas 2 and 3:**

The reports on these inter-related matters from the Head of Contract Services and South Harrow Pilot Manager had been separately circulated to members of the Forum, and also a report of the Scrutiny Review Group on the "New Harrow Project – South Harrow Pilot". All those reports had additionally been provided to the New Harrow Project Panel which had also met on 8 July.

In presenting the content of the reports to the Forum, the Head of Contract Services informed members of the outcomes from that earlier meeting which he had attended. He referred to an Audit Commission report which had been made to the New Harrow Project Panel and had provided Recommendations on the development of the Public Realm Maintenance Services standards. The formal release of their Inspectors' report was due in the following week. The Pilot objectives had been met.

It was confirmed that the Panel had agreed to recommend to Cabinet that the Pilot should now be rolled out to Area 2 (comprising the Greenhill, Marlborough and Wealdstone Wards) and in principle to an Area 3, subject to agreement on its definition.

UNISON advised that they had no particular views on the Roll-Out Areas, except to comment that the inclusion next of the Town Centre and Wealdstone seemed appropriate and that Area 3 sensibly should be geographically contiguous, which would assist employees to build on and achieve consistent delivery of the enhanced standards.

UNISON observed that the standards being achieved for Public Realm Maintenance services generally in the eastern half of the Borough, as delivered by private contractors, were inferior to those provided by the Direct Labour Organisation in Harrow West.

The Forum noted the outstanding contribution of the employees engaged in working on the Pilot scheme and the opportunities which were arising at all levels for staff development and involvement in the delivery of universal public authority front-line services. Improved morale had had a notable effect in reducing absentee rates. A critical element for the Roll-Out of further Areas would be the ability to recruit new team members. As part of that consideration there would be encouragement for work experience placements from schools, It was also hoped to secure a reduction in the eligible driver age from 25 to 21 years old, through recognition of suitable driver training programmes, to enhance recruitment and flexibility in the teams.

The Forum noted that a formal Reception, to thank the employees who delivered the Pilot scheme, and other events were in train. It was agreed that the Chair be authorised to write a letter on behalf of the Forum to thank employees for their much

appreciated contributions.

The various reports related to the Pilot Project and intended Roll-Out were formally received and noted.

69. **Approved Social Workers Mental Health Team - Health and Safety Hazard:**
This issue was raised by UNISON under any other business further to documentation circulated by the Trade Union to the Council Side prior to the meeting. UNISON drew attention to the duration of the dispute raised by their formal health and safety notice in February 2002 and pressed that an urgent resolution be secured.

The Council Side noted the inordinate length of time involved. However, it was confirmed that the relevant dispute procedure had not as yet been exhausted and in the event of a failure to agree the procedure provided for a joint Trade Union and Chief Officer report to be referred to this Forum.

It was noted that officers would be seeking with UNISON to resolve the dispute, failing which it might be necessary to convene a special meeting of the Employees' Consultative Forum to consider the issue in the light of full information.

(Note: The meeting having commenced at 7.45 pm, closed at 9.56 pm)

(Signed) COUNCILLOR SANJAY DIGHÉ
Chair

This page is intentionally left blank