



EMPLOYEES' CONSULTATIVE FORUM (SPECIAL)

**WEDNESDAY 29 AUGUST 2007
7.30 PM**

**COMMITTEE ROOMS 1 & 2,
HARROW CIVIC CENTRE**

**[Pre Meetings: Council 7.00 PM CTTEE RM 1 & 2]
Employees' 6.30 PM CTTE RM 3]**

MEMBERSHIP (Quorum: 3 from the Council Side and 3 from the Employees' Side of the permanent membership)

Chair: Mrs Camilla Bath

Councillors:

David Ashton
Chris Mote
Paul Osborn

Bob Currie
Graham Henson
Navin Shah

Employee Representatives

Representatives of HTCC: (To be advised)

Representatives of UNISON: Ms K Bubenger Mr G Martin
Ms M Cawley Mr R Thomas
Mr S Compton

Representative of GMB: Mr S Karia

Reserve Council Side Members:

- | | |
|-------------------|--------------------|
| 1. Joyce Nickolay | 1. B E Gate |
| 2. Don Billson | 2. Keith Ferry |
| 3. Julia Merison | 3. Mrs Sasi Suresh |
| 4. Tony Ferrari | |

**Issued by the Democratic Services Section,
Legal and Governance Services Department**

**Contact: Maureen O'Sullivan, Democratic Services Officer
Tel: 020 8424 1323 E-mail: maureen.osullivan@harrow.gov.uk**

HARROW COUNCIL

EMPLOYEES' CONSULTATIVE FORUM (SPECIAL)

WEDNESDAY 29 AUGUST 2007

AGENDA - PART I

1. **Attendance by Reserve Members:**

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

2. **Declarations of Interest:**

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee, Sub Committee, Panel or Forum;
- (b) all other Members present in any part of the room or chamber.

3. **Arrangement of Agenda:**

To consider whether any of the items listed on the agenda should be considered with the press and public excluded on the grounds that it is thought likely, in view of the nature of the business to be transacted, that there would be disclosure of confidential information in breach of an obligation of confidence or of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972.

4. **Minutes:**

That the minutes of the meeting held on 3 July 2007 be deferred until the next Ordinary meeting of the Forum.

5. **Deputations:**

To receive deputations (if any) under the provisions of Advisory Panel and Consultative Forum Procedure Rule 14 (Part 4E of the Constitution).

Enc. 6. **HR Policy Framework:** (Pages 1 - 6)
Report of the Corporate HR Director.

Enc. 7. **Asbestos:** (Pages 7 - 12)
Report from UNISON.

Enc. 8. **Customer Complaint Process:** (Pages 13 - 14)
Report from UNISON.

AGENDA - PART II - NIL

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Meeting:	Employees' Consultative Forum
Date:	29 August 2007
Subject:	HR Policy Framework
Key Decision: (Executive-side only)	Yes
Responsible Officer:	Lesley Clarke, Corporate HR Manager
Portfolio Holder:	Paul Osborn, Strategy and Business Support Portfolio Holder
Exempt:	No
Enclosures:	Yes – Diagrammatic policy framework

SECTION 1 – SUMMARY AND RECOMMENDATIONS

This reports sets out the response received from the unions to the proposed HR Policy framework. An ECF view is required on whether Members should continue to hear final stage Grievances.

RECOMMENDATIONS:

That ECF recommend that the Portfolio Holder for Strategy and Business Support agree adoption of the revised HR Policy framework as proposed by management.

Note: Schools will also be recommended to adopt these arrangements.

REASON: (For recommendation - Executive-side reports only)

It will allow for Capability, Conduct and Grievance / Harassment cases to be heard more speedily. In relation to final stage Grievance hearings, the management proposal is consistent with practice in most London Boroughs.

SECTION 2 - REPORT

Background and issue to be addressed

At ECF on 3 July 2007, a verbal report was received on progress on negotiations with UNISON and GMB on a revised approach to disciplinary, grievance, absence, capability, probation and harassment procedures. Discussions had been taking place since December 2006 on the proposed approach and a number of accommodations had been made to reflect union concerns, including their particular concern that disciplinary dismissals continue to be heard by Members. As a consequence of reaching what was understood to be an acceptable position, a formal proposal had been made to the unions at the Corporate Joint Committee on 18 May 2007 to replace these procedures with:

- A single Fair Treatment policy statement
- A common process comprising an 'informal' taking stock stage, an investigation if appropriate, a formal hearing if appropriate and an appeal right.
- That only disciplinary dismissals be heard by a Member appeal panel
- Three sets of Best Practice standards incorporating guidance covering Conduct, Capability and Grievance / Harassment.

At its meeting, ECF noted that the unions had failed to provide a formal response to the proposal and extended the deadline to 31 July 2007 in order for them to do so. In addition, the Corporate HR Manager was requested to meet with representatives of Branches of both unions to explain to those not so far involved what was proposed.

A meeting with Branch representatives of UNISON took place. A meeting of the GMB Branch was arranged but, it is understood, due to holiday absence, no representative attended and no further meeting was arranged.

A formal response has been received from UNISON that the proposal is accepted excepting that it would wish for Members to hear final stage Grievances. GMB were unable to respond formally as, it is understood, the Branch had not considered the issue. However, the informal response from the Branch Secretary was that he agreed with UNISON's response.

The Corporate Strategy Board (CSB) considered the position reached at its meeting on 8 August 2007 and concluded that it could not agree to the unions wish for Members to hear final stage Grievances. The matter is therefore put to ECF for a view that the Portfolio Holder for Strategy and Business Support be recommended to agree adoption of the revised HR Policy framework as proposed by management.

Reasons for Recommendation

1. As Head of Paid Service, the Chief Executive has final responsibility for leading and managing Council staff. Corporate Directors and Directors are similarly accountable for their areas of responsibility. Dealing with matters of grievance as speedily and fairly as possible is an objective they would wish for in order that staff can put behind them these issues, restore

their sense of wellbeing at work, and move forward in a productive and efficient way.

ECF will recognise that arranging a 3 Member Panel appeal hearing with support from Democratic Services as well as that from HR and Legal can be problematic in diary commitments. Experience is generally that it is usually several months and occasionally many months before final stage grievances are heard. This is not conducive to resolving grievances speedily. Arranging for Directors and an HR Adviser to hear final stage grievances can be achieved much more speedily.

It is considered that Members role is to monitor and review the outcomes of officers' management of employee processes including Grievances. An informal agreement (now superseded) was previously reached with the unions that a report would be put to ECF periodically so that outcomes could be monitored.

2. A June 2007 London Councils survey of practice in London Boroughs in member involvement in people management procedures showed that the following councils operate systems where final stage grievances are heard at the officer level:

Barnet (Members consider points of policy only, not individual cases)
Barking and Dagenham
Brent
Camden
Croydon
Ealing
Enfield
Greenwich
Hackney
Hammersmith and Fulham
Havering
Hillingdon
Hounslow
Islington
Lambeth
Lewisham
Merton
Newham
Richmond
Southwark
Tower Hamlets
Waltham Forest
Wandsworth
Westminster.

Harrow Council is one of the few remaining councils that currently operate Member involvement in people management of grievance cases.

Resources, costs and risks

Resourcing

The revised approach to the structure of HR policy and procedure has no direct impact on resourcing.

Costs

There are no direct costs of introducing a revised approach. Briefings to managers and employees will be provided by the Human Resources and Development Group within existing resources.

Risks

The proposed HR Policy Framework replaces a number of key policies within the Council, some of which will be considered to be part of staff terms and conditions of employment.

Staffing / Workforce Consideration

The revised approach will apply to all staff and is intended to resolve employment issues without undue delay and provide a simpler process for managers and employees to work within.

Equalities Impact consideration

The revised approach will ensure fairness and consistency in how these staff matters are dealt with. Monitoring of the use of a new process and its impact on different social identity groups will be made and reported in the Annual Equality Report.

Legal and Financial Comments

Legal Comments

The proposed change to grievance appeals is in accordance with the requirement in the Employment Act 2002 for each step and action in the procedure to be taken without undue delay. It still conforms with the ACAS Code on Disciplinary and Grievance Procedures that recommends 2 appeal stages for large employers.

Financial Comments

There are no direct costs from the introduction of the revised approach. Briefings to managers on the new procedure will be provided by the Human Resources and Development Group within existing resources.

SECTION 3 - STATUTORY OFFICER CLEARANCE

Name: ...Myfanwy Barrett



Chief Financial Officer

Date: 15 August 2007

Name: Jill Travers



on behalf of the
Monitoring Officer

Date: 15 August 2007

SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

Contact: Lesley Clarke, Corporate HR Manager, 0208 420 9309 (ext 5309)

Background Papers:

ECF reports of 1 November 2006 and 31 January 2007

IF APPROPRIATE, does the report include the following considerations?

1.	Consultation	YES
2.	Corporate Priorities	YES
3.	Manifesto Pledge Reference Number	

Fair Treatment
Policy statement covering all 6 policies

Maximum number of times the process applies

Grievance – 1 (but with Step 4 also applying)

Harassment – 1

Probation – 2

Capability – 2

Disciplinary – 3 with any dismissal appeal heard by Members

Absence - 3

Process

Step 1 – ‘Taking stock’ stage

Is there an issue that needs further exploration
 If yes, carry out as much investigation as is felt appropriate
 Aim to reach informal resolution
 If unable to resolve at this stage, proceed to next

Step 2 - Formal hearing
 e.g. of grievance or disciplinary case
 Outcome reached
 Employee informed of outcome and next steps

Step 3 – Appeal
 Employee has the right of appeal against the outcome from Step 2

Step 4 – Second appeal
 In grievance cases only, the employee has the right of appeal to Director level (Members in the case of Chief Officers) against the outcome from Step 3

Best Practice Standards

Conduct
 (i.e. won't attend or do - 'misconduct' issues)

Disciplinary

Absence (e.g. where employee is AWOL)

Probation

Best Practice Standards

Capability
 (i.e. can't perform / attend work)

Capability

Absence

Probation

Best Practice Standards

Grievance

Harassment



Agenda Item 7
Pages 7 to 12
Harrow L.G. Branch
UNISON Office
Central Depot, Forward Drive
Harrow, Middlesex
HA3 8NT
Tel: 020 8424 1795
Fax: 020 8424 1835

Email: info@harrow-unison.org.uk
Web: www.harrow-unison.org.uk

Branch Secretary: *[Name]*

13th June 2007

Employees Consultative Forum 3/7/2007

Unison raised concern about a number of service issues in summer 2006 on the Health & Safety concerns was removal of asbestos during building works in the proposed Access Harrow Area.

We submit:

- 1) The asbestos management plan prior to the building works showing four asbestos panels above doors in partitions.
Extracts from the Asbestos Consultants Report.
- 2) Plan B 3191 which does not show the previously identified asbestos panels.
- 3) Data sheet with photography showing Room 1 after site clearance dated 24 October 2005 (Page 13 of 40) which does not show previously mentioned asbestos panels.
- 4) Page 39 of 40 analysis test sheet detailing 9 sites sampled and where asbestos panels above doors were not mentioned dated 31 October 2005

We need to know what happened to the asbestos panels (item 1 above) when the removal took place and by whom.

Was the HSE inspector shown the asbestos consultants report in full and shown the previous management plan (item 1 above)

We need to know whether the remaining asbestos has been properly identified, labelled and are covered by the current asbestos management plan to avoid a future incident.

If staff and public were exposed to asbestos they need to be contacted and informed that they are at risk

One is a lonely number, join UNISON and you're one in a million.....

We make the following points:

- 1) Asbestos was used significantly throughout the building construction in 1973 as a fire insulation.
- 2) Typically such insulation may contain 10-15% asbestos and this could have included mixtures of the 3 known asbestos types.
- 3) A number of panels were removed for which there are "missing" records and or confusion about what was removed, where it was removed, where it was stored prior to disposal and the disposal details.
- 4) Staff and public were in the vicinity of the removal works when they were carried out and may have been injured/exposed.
- 5) Health & Safety Guidance/Regulations current at the time were contravened.

Unison have a moral obligation to their members to inform them of any situation that has occurred at their place of work which affects their Health & Safety.

We will be publishing these facts in the next edition of Network unless they are categorically disproved.

Mary Cawley, Health & Safety Officer, Unison
Bob Thomas, Health & Safety Convenor Unison

BULK SAMPLE ANALYSIS TEST CERTIFICATE

No: B-03191



Client Contact:
Mr Ged Housley

Blues Consultants Ltd Contact:
Jeff Watts

Paragon Interiors Group PLC
Paragon House
Orchid Place
Nottingham Business Park
Nottingham
NG8 6PX

Blues Consultants Ltd
4 Duckett's Wharf
South Street
Bishop's Stortford
Hertfordshire
CM23 3AR

Tel: 0115 951 9512
Fax: 0115 951 9513

Tel: 01279 503117
Fax: 01279 503162

Site: Civic Centre
Station Road
Harrow
HA1 2UY

Date Sampled/Received: 24 October 2005 by Jeff Watts

No.	Item	Material	Location/Comments	Asbestos Result
1	Fire Break	Board	Room 1	NAD
2	Ducting	Mastics	Room 1	Chrysotile (white)
3	Ducting	Debris	Room 1	NAD
4	Floor	Floor Tiles	Room 1	Chrysotile (white)
5	Pipework	Debris	Room 8	NAD
6	Infill panel	Board	Corridor	Amosite (brown) Chrysotile (white)
7	Floor	Debris	Electric's Cupboard	NAD
8	Floor	Vinyl	Strong Room	Chrysotile (white)
9	Ceiling	Textured Coating	Reception Area	Chrysotile (white)

Analysts Name: Dom Lee

Signature:

Analysts Name: Khem Nath Dhakal

Signature:

Test Date: 31st October 2005

TEST NOTES: Samples submitted for examination have been analysed to determine the presence of asbestos fibres using the methods documented in the HSG248 The Analyst Guide For Sampling Analysis and Clearance Procedures & in house procedures in section 13 of the quality manual.

Analysis carried out at head office laboratory Bishop's Stortford.

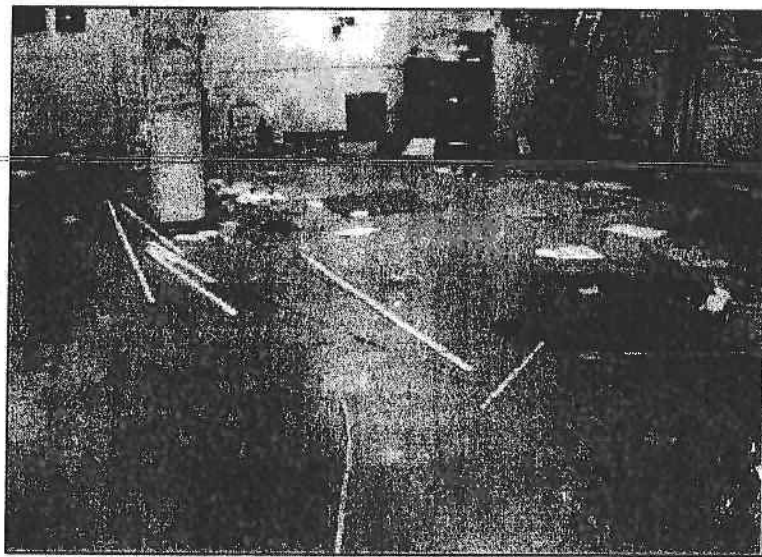


0810

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Lead Surveyor	Jeff Watts
Survey Type	Type 3
Survey Date	24 October 2005
Next Inspection	24 April 2006
Level of Identification	Sampled

Building	Civic Centre
Floor	0
Room/Area	001 - Room 1
Sample No	4
Laboratory Ref	

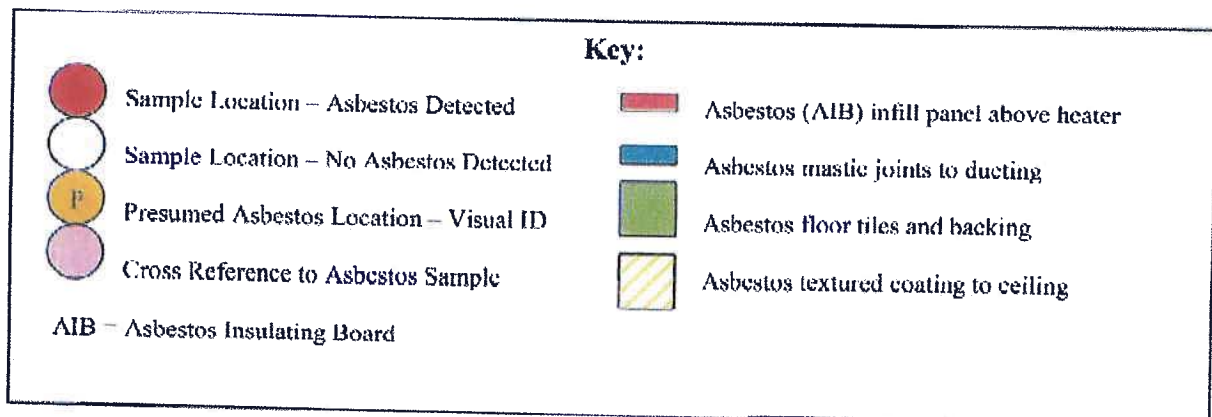
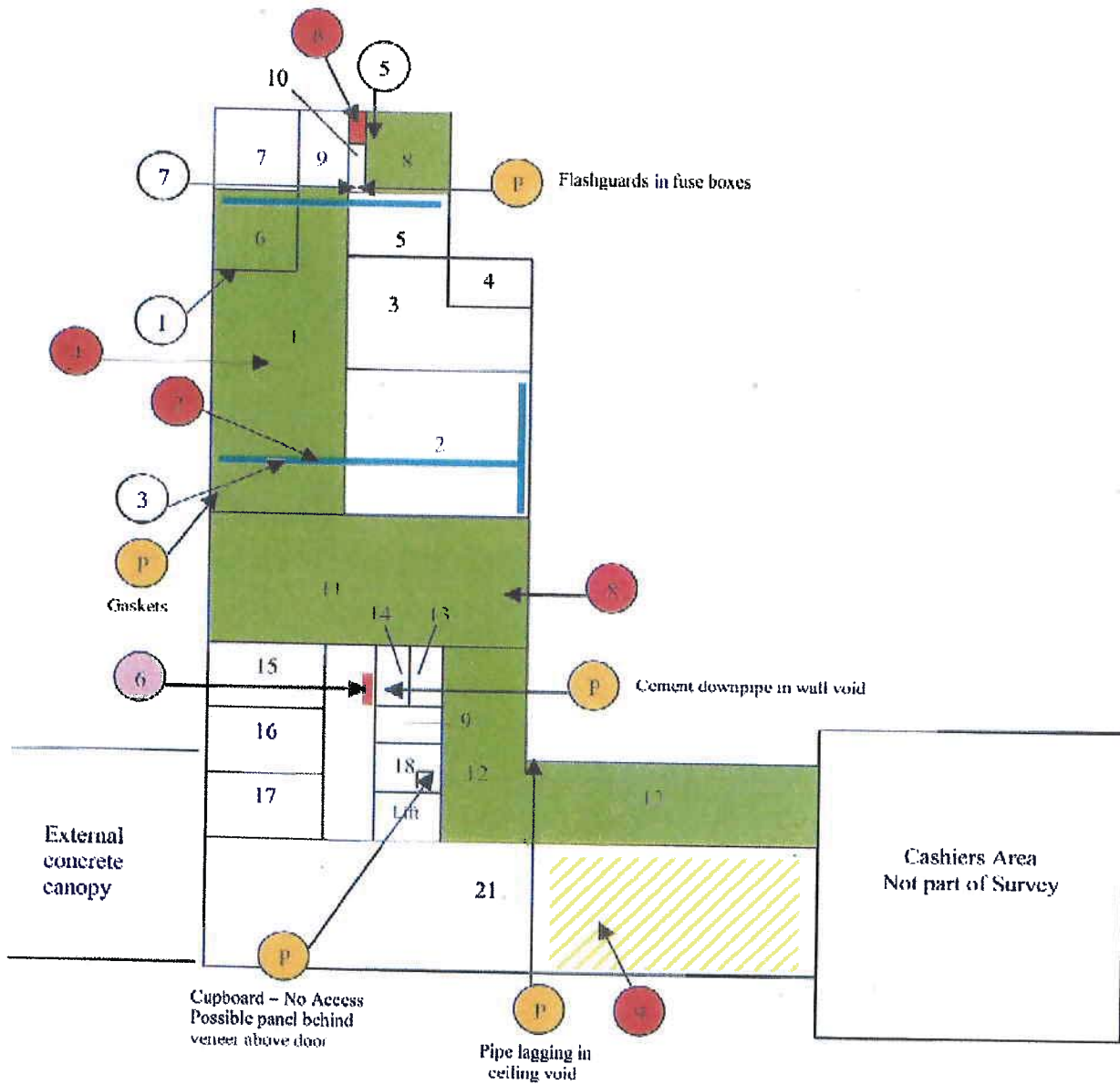


Description Item: Floor.

		Score
Product Type	Floor Tiles	
Extent of Damage		
Surface Treatment		
Asbestos Type	Chrysotile (white)	
Amount	100m ²	
Accessibility	Routinely Disturbed	
Algorithm Score		

RECOMMENDATION	Label & manage / Remove if to be disturbed
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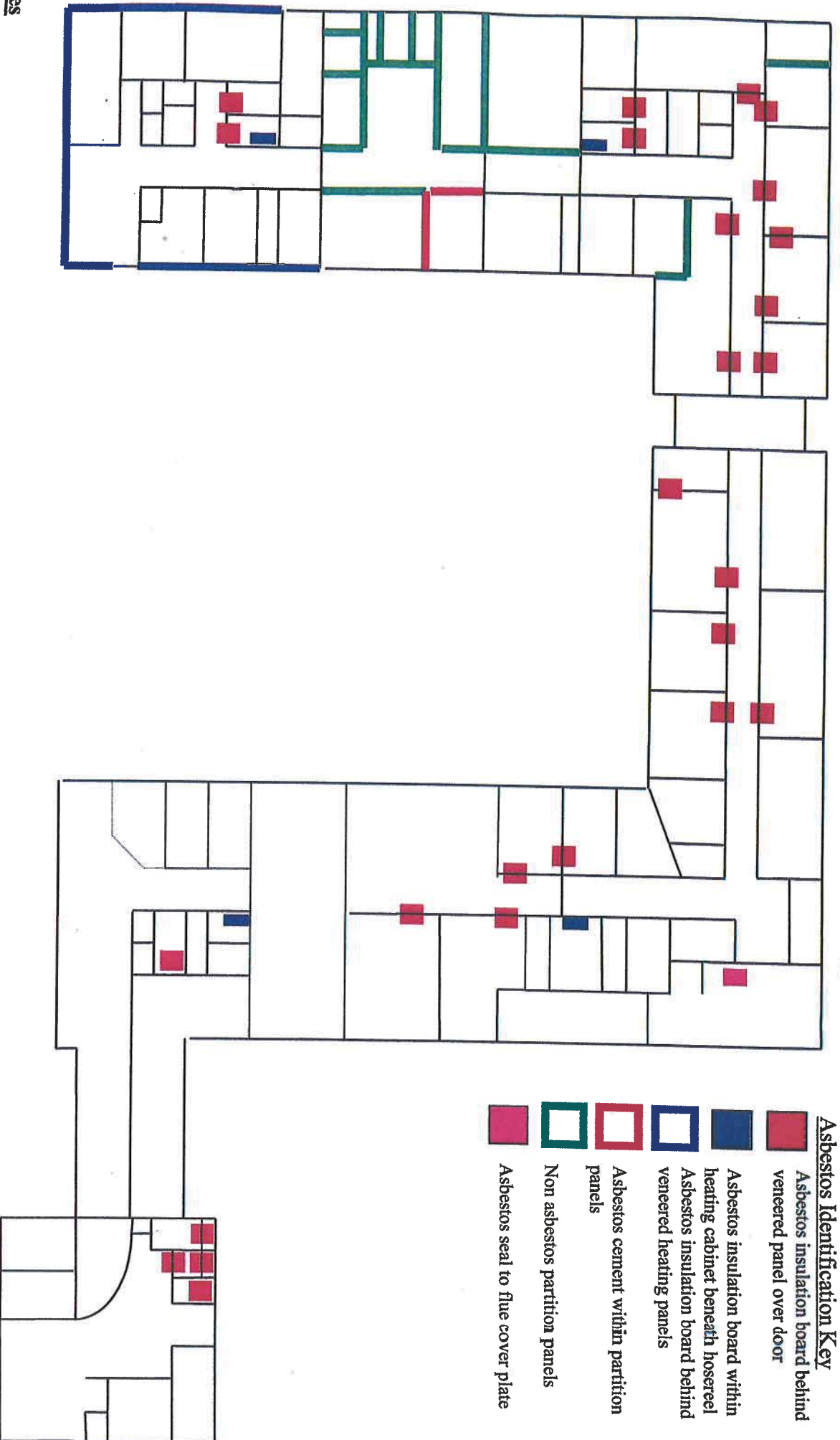
Harrow Civic Centre, Station Road, Harrow (B-3191)



CIVIC CENTRE - MAIN BUILDING

Lower Ground Floor

Not to Scale



- Notes**
- 1) An indication in this report of the presence of asbestos in specific locations does not exclude the presence of undiscovered asbestos in other locations.
 - 2) A negative analysis result does not indicate that similar materials adjacent to the specific test site do not contain asbestos.
 - 3) In the absence of other information pipe insulation within ducts or boiler rooms must be suspected of containing asbestos.
 - 4) Check established Asbestos Management Plan on site with Building Manager before commencing work.
 - 5) These notes must be copied to the Consultant and Contractor as appropriate before works commence.

UNISON REPORT REF: CUSTOMER COMPLAINT PROCESS
ECF

Unison has concerns regarding an increase in procedural complaints against employees, instigated by members of the public By improper methods ie; contacting councilors or chief officers directly.

Unison believes that this process of contact removes any protection that employees of the council possess

By instigation of a proper complaints procedure, this would alleviate a vast amount of matters that arise, in giving the resident and member of the public reasonable time to reflect on incidents that may occur out of sheer frustration, due to the way the council provide their services,

Unison also believe that time lost for all concerned, would benefit the financial position of the council (saving on lengthy and costly investigations person hours etc)

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