

EMPLOYEES' CONSULTATIVE FORUM**27 APRIL 2009**

Chairman:	* Ms L Ahmad	
Councillors:	* David Ashton * Mrs Camilla Bath * Bob Currie * Tony Ferrari (4)	* Graham Henson * Julia Merison (3) * Phillip O'Dell
Representatives of HTCC:	Ms L Snowdon	
Representatives of UNISON:	* Ms M Cawley * Ms A Jackson	* Mr G Martin * Mr R Thomas
Representative of GMB:	* Mr J Dunbar	

* Denotes Member present/Employee Representative present
(3) and (4) Denote category of Reserve Member

Also in attendance:

Steve Compton (UNISON)
Stella George-Duesbury (GMB)
Kathleen McDonald (GMB)

PART I - RECOMMENDATIONS**RECOMMENDATION 1 - UNISON Report on Housing: Restructuring of Services and Housing Services Response to UNISON Report**

The Forum considered a report from UNISON which expressed their concern regarding the consultation process in relation to the restructuring of Housing Services. The concern related to the process.

UNISON's concerns related to two main issues:

- The consultation process was flawed and, in particular, the original documentation provided on Monday 1 December 2008 for consultation was inaccurate. In addition, the information had been distributed to all employees, prior to informing those in the posts at risk of deletion.
- There had been a failure by management to respond to reasonable requests for information and documentation. The Union questioned the decision by the management of the service not to conduct basic feasibility studies, the reluctance to provide any relevant evidence to substantiate the deletion of posts, and the reallocation of residual tasks to the remaining employees, as identified in the consultation document.

The Union indicated that it was requesting the following action:

- That all outstanding information requested by UNISON during the consultation process be supplied within a reasonable time frame (five working days); and
- that the consultation process be revisited as it was in breach of 1.1 of the Protocol for the Managing Organisational Change policy and also the Recognition and Procedural Agreement section 15.

The Forum also received a response from Housing Services to UNISON's concerns in relation to the HaRP restructure together with some appendices, the confidential element of which was not discussed at the meeting. The report set out the actions taken in relation to restructuring in Housing Services arising from the introduction of the Civica IT system, and addressed the concerns raised by UNISON regarding compliance with the protocol for managing organisational change. Appendices to the report contained some of the the minutes of Housing Joint Committee meetings that referred to the HaRP restructuring, the report of 1 December 2008 provided to all staff and unions, the management response to the Unions dated 16 January 2009, the Issues Log, the Consultation Timetable, and Adult and Housing Joint Committee information up to 23 February 2009.

The Employees' Side raised the following points.

- During discussion of this item, the Employee Representatives stated that, in their view, issues had arisen at the start of the consultation process on 1 December 2008 and that requests for information had been made subsequent to that meeting. The information before the Members did not include minutes of the Housing Group Joint Committees on 22 May and 17 July 2008, although there was mention of the content of these at subsequent meetings despite union members not being in attendance. The minutes of a meeting held on 19 June 2008 referred to the need for a review of the staff structure, however union representatives had not been in attendance. A number of the minutes stated that UNISON did not attend, but they had not been invited. UNISON indicated that the first point of contact should have been the Branch Administrator. It was a request from a Branch Officer that had resulted in UNISON being invited. Information was sought as to the quorum and terms of reference of the Housing Joint Committee.
- Concern was expressed that the minute documentation circulated indicated that a response from management was still awaited on some issues, for example in the minutes of 9 March 2009. Those minutes also referred to a request to the union not to 'stir up' the caretakers. This was in breach of the Honourable Recognition Agreement.
- The union had raised issues regarding the proposals with: Housing Services, the Portfolio Holder for Adults and Housing, the Portfolio Holder for Environment Services and Community Safety, and the Corporate Director of Adults and Housing but no response had been received.
- Emails referred to in the minutes were not included within the documentation provided to the Forum.
- At the meeting of the Housing Joint Committee on 23 October 2008 it had been minuted that a request had been made for the cost of consultation with residents, how statements were made, and an action plan for the improvement and strategic plan for the delivery of caretaking services. This information had not been received. The minutes of 25 September 2008 stated that the caretaking service was expensive compared to that of other boroughs and did not meet the needs of residents.
- The actions arising from the meeting on 13 January 2009 stated that officers would provide details of how work from deleted posts would be distributed to existing posts by 16 January 2009, and role profiles of posts affected.
- The unions were of the view that the information given in Appendix 3 was the rationale behind the proposals and was not a feasibility study as requested.
- The caretaking restructure from three teams to two should have been processed as an organisational change, as it had an impact on the contracts of staff and increased supervisory responsibility to in excess of six posts from three and a half. A post was subsequently deleted. Had the team leader post, included in the consultation papers on 1 December 2008, been evaluated? Information had been requested on the Health and Safety risks with regard to diseases.
- Estate Supervisors had been re-graded due to re-evaluation although there were only two of them.
- The minutes of 24 January 2008 gave an indication that workloads would reduce and more opportunities would be available, not that roles would be deleted.
- The Adult and Housing Joint Committee information update stated that the role profiles of Resident Wardens were in the process of evaluation. However, notification had not been received by the unions or postholders even though the minutes of 9 March 2009 had noted the request for information
- A formal complaint had been made to the Chief Executive that the arrangements for the meeting on 1 December 2008 were not in accordance with the Protocol for Organisational Change. This stated that on every occasion, unions should be given the documentation well in advance of the meeting or staff being informed so that errors could be notified and rectified

prior to circulation to staff. On this occasion, the documentation was circulated on the day of the meeting and contained inaccurate information, and those employees whose posts were liable for deletion were advised by email just prior to the meeting. The complaint had been referred to the Divisional Director of Human Resources and Development who had responded that advance notice should have been given but that circumstances had prevented this. A request by the unions to rearrange the meeting had not been agreed. It would have been beneficial to delay the meeting by a week to ensure that staff were correctly informed. The two branch officials involved had not known of the meeting until the day as they had been on a training course and had then requested a pre-meeting with the unions prior to the staff meeting.

- Jobs should be the ones affected by a document management system. Jobs that HaRP had no impact on had been included in the proposals but there was no clarification as to why.
- The unions had lost members due to the perception of their ability to represent them and their inability to know the facts.
- Responsibility and accountability for the issue was considered to be important.

Officers raised the following points:

- The Housing Joint Committee meetings minutes contained in Appendix 1 showed the extent to which the Housing Service had alerted the unions to the significant changes that would occur. Only minutes that referred to restructuring had been included. The unions had been invited to the meetings and had received draft agendas to enable them to contribute to agenda items. The minutes of 24 January 2008 had stated that there would be changes to the way staff worked as a result of the investment in IT. Officers did not have the information at the meeting regarding the quorum and terms of reference of the Housing Group Joint Committee.
- Discussions had taken place over a number of months. Officers were not aware of any outstanding information requested by the unions. The feasibility studies regarding the ten posts to be deleted from the structure had been the subject of continual dialogue with staff and union representatives. The feasibility studies in relation to the five filled posts were set out in detail in the report of 16 January 2009. The management response to the unions on the proposed restructure, attached at Appendix 3 to the report, detailed the reasons for change and the case for the deletion of posts.
- The information before the Members included the feasibility exercise. The information pack fulfilled the requirement for a sound consultation process in relation to the staff reduction exercise. Minor drafting errors in the paperwork for the meeting on 1 December 2008 had been corrected and reissued within two days. An issues log had been provided and officers had sought to work with the unions to the benefit of staff. A reduction in costs of £300,000 for 2009/10 was required due to the investment in IT systems. A member of GMB had been released from other duties one day a week to facilitate working together. The officers provided a service to tenants and leaseholders and should work to provide a high quality service. Within the Housing Service, the homelessness function had performed to a high standard whilst resident services had not been seen as successful.
- The purpose of the caretaking reorganisation had been to cover sickness absence and therefore was not seen as a formal restructure. Re-evaluations of posts had therefore not taken place. As it was not known how long the employee would be on sick leave, it would be an ongoing situation. An additional cleaning team had been employed from 1 July 2008 due to the condition of internal common ways in blocks of flats. The issue of Health and Safety with regard to diseases had not been addressed in the documentation as it had not been raised specifically in relation to HaRP.
- With regard to Estate Supervisors, the evaluation process had been ongoing for a number of years. The re-evaluation of the Resident Warden posts would be taken forward in conjunction with the Sheltered Housing Review and there would be a report back on this issue.
- Errors in the documentation for the meeting on 1 December 2008 had been identified by Managers at the start of the meeting with staff and the report was

subsequently reissued with amendments. As this documentation had already been circulated to staff it had seemed reasonable for management to talk to the staff regarding the proposals. A pre-meeting with the unions had been planned and had taken place on 1 December 2008.

Having considered the issues raised Members had a detailed discussion.

In relation to a Member's question as to the response of the Chief Executive to the formal complaint by the unions, the unions advised that he had agreed that the implementation could have been managed better but that he had asked them to 'bear with it'.

Members noted that a delay of five to seven working days had been requested by the unions to the consultation meeting held on 1 December 2008. The officers stated that, as the documentation had been presented to all staff and the meeting was an hour later, the officers considered that if staff were not given the opportunity to gain an explanation of the proposals from the managers on that day, there would have been concern from employees. On balance, it had been considered important that staff could question managers rather than speculate on the proposals for a week.

Members expressed concern at the number of apparent contradictions which made it difficult to gain a clear understanding of what had occurred. It was suggested that, in future, it would be useful to make use of the action columns for Joint Committee minutes by either declaring that there were no actions or detailing action to be carried forward. These could then be noted as actioned or carried forward when the minutes were agreed.

A Member sought clarification as to the statement attributed to him at the meeting on 9 March 2009. It was undertaken that this would be addressed if and when a further meeting of the Joint Committee was held.

Members discussed the requests put forward by the union. The request by the Employees Side for outstanding information was supported, however the second request could result in a delay. Members were anxious that the Council should learn from the exercise and recognised that what had happened could not be undone. The negotiations had reached a conclusion and the disquiet expressed by the unions was understood, but the value of beginning the consultation again was uncertain. Members considered that a review of the consultation process that had taken place would be of more value and would allow any lessons to be learnt to be identified. It was important that there should be a clear understanding of what information had been requested and was still outstanding. Support was therefore given to the establishment of a Peer Review to take the matter forward. It was suggested that detailed discussion should take place between the officers and unions prior to any review meeting in order to resolve as many outstanding issues as possible. There should be a proper evaluation of what was proposed, with rigorous analysis and discussion with the unions to ensure that the proposals were feasible.

The officers advised that, as three of the postholders affected had left the Council's service under voluntary severance, one was due to leave shortly under redundancy and one had been appointed to a vacant post, it was impossible to go back to the beginning of the exercise.

It was agreed that Members receive the constitution of each of the bodies involved in the consultation process. It was also requested that Members be apprised should any difficulty arise from either side.

The officer suggested that the Housing Group Joint Committee should be reinstated to meet monthly.

Resolved to RECOMMEND: (to the Portfolio Holder for Performance, Communication and Corporate Services)

That (1) a Peer Review be established to review the process and identify any lessons to be learnt from the Housing Services Restructuring, to agree any outstanding information requirements, and to consider the impact on the service in the context of the service improvement agenda; and

(2) a report back be submitted to the next meeting of the Employees' Consultative Forum.

[Reason for Recommendation:. In order to take forward the consultation regarding the Housing Services Restructuring.]

(See also Minutes 153 and 156).

PART II - MINUTES

152. **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 Paul Osborn	Councillor Tony Ferrari
Councillor Susan Hall	Councillor Julia Merison

153. **Declarations of Interest:**

RESOLVED: To note that the following interests were declared:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
7. UNISON Report on Housing: Restructuring of Services	Councillor David Ashton	Personal interest in that his daughter-in-law was a Council employee. Accordingly, he would remain in the room and take part in the discussion and decision-making on this item.
8. Management Response to UNISON Report	Councillor Bob Currie	Personal interest in that he was a retired member of UNISON and his son was a Council employee. Accordingly, he would remain in the room and take part in the discussion and decision-making on this item.
	Councillor Graham Henson	Personal interest in that he was a member of the Communication Workers' Union and his cousin was a Council employee. Accordingly, he would remain in the room and take part in the discussion and decision-making on this item.

154. **Minutes:**

RESOLVED: That the minutes of the meeting held on 1 April 2009 be taken as read and signed as a correct record subject to the amendment of Minute 151 to remove all references to a Special meeting and to replace this in all instances with reference to a reconvened meeting.

155. **Petitions:**

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting under the provisions of the Advisory Panel and Consultative Forum Procedure Rules 16, 14 and 15 respectively (Part 4E of the Constitution).

156. **UNISON Report on Housing: Restructuring of Services and Housing Services Response to Unison concerns on HaRP Restructure:**

(See Recommendation 1).

(Note: The meeting having commenced at 7.30 pm, closed at 9.55 pm)

(Signed) MS L AHMAD
Chairman