

EMPLOYEES' CONSULTATIVE FORUM MINUTES

30 JUNE 2010

Chairman:	* Ms L Ahmad	
Councillors:	* Mrs Camilla Bath	* Phillip O'Dell
	* Bob Currie	* Paul Osborn
	* Graham Henson	* Bill Stephenson
	* Barry Macleod-Cullinane (1)	
Representatives of HTCC:	Ms L Snowdon	
Representatives of UNISON:	* Mr D Butterfield	* Mr G Martin
	* Mr S Compton	* Mr R Thomas
Representatives of GMB:	* Mr J Dunbar	* Ms B Goring

* Denotes Member present
(1) Denotes category of Reserve Members

1. Appointment of Chairman

RESOLVED: To appoint Lynne Ahmad, representing the trades unions, as Chairman of the Forum for the 2010/11 Municipal Year.

2. Attendance by Reserve Members

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Member:-

Ordinary Member

Councillor Susan Hall

Reserve Member

Councillor Barry Macleod-Cullinane

3. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Councillor Bob Currie – Personal interest in that he was a retired member of UNISON and his son was a Council employee. He would remain in the room and take part in the discussion and decision-making on these items.

Councillor Graham Henson – Personal interest in that he was a member of the Communications Workers' Union and his cousin was a Council employee. He would remain in the room and take part in the discussion and decision-making on these items.

Councillor Barry Macleod-Cullinane – Personal interest in that his sister was a teacher. He would remain in the room and take part in the discussion and decision-making on these items.

Councillor Paul Osborn – Personal interest in that he was formerly the Portfolio Holder with responsibility for the Forum. He would remain in the room and take part in the discussion and decision-making on these items.

Councillor Bill Stephenson – Personal interest in that he was a Governor at Hatch End High School. He would remain in the room and take part in the discussion and decision-making on these items.

4. Minutes

RESOLVED: That the minutes of the meeting held on 26 January 2010 were taken as read and signed as a correct record subject to it being noted at minute 187 that Councillor Graham Henson was a member of the Communication Worker's Union.

5. Petitions, Deputations and Public Questions

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

RECOMMENDED ITEMS

6. Employees' Side Report and Management Response: Special Needs Transport (SNT) Full Business Case

The Forum considered a request from Unison that an independent investigation be undertaken into the business case produced on Special Needs Transport. In addition it requested a professional work study assessment of the routes identified for reduction. An employee representative in speaking to the proposal outlined key concerns as follows:

- the process and consultation undertaken had been utilised across all staff and not approached on a case by case basis;

- the impacts of the proposals potentially contributed to future concerns around single status agreements and further reductions in contractual hours being implemented;
- the impact of the use of the proposed 20% reduction clause, contained within contracts of employees, was inappropriate and correspondence issued around this continued to be ambiguous;
- a potential deskilling of employees could result due to a reduced requirement no longer including possession of PCV Licences;
- lack of confidence in the work force study officers who undertook roles in terms of the full and accurate measurement of all processes relating to driving and special needs transport;
- the use of agency staff for undertaking SNT driving was considered to be high and had not been fully evaluated in the context of appropriate utilisation of full time staff, leading to a potential further reduction in hours worked by full-time staff as an outcome.

In responding to the points raised and questions from Members, officers noted that:

- benchmarking of the service with other local authorities showed it to be the 4th highest spend on SNT provision within the London boroughs;
- the service was regarded as staffing heavy and the HR and legal advice sought around contractual obligations were clear that the imposition of the 20% reduction clause was appropriate and would assist in working towards standardised contracts;
- the Council was facing a time of economic turbulence and needed to seize opportunities to be more competitive;
- in terms of the work force study assessment these skills were contained within professional areas of the authority and an external examination would lead to a greater cost outcome;
- wherever possible the Council sought to minimise the use of temporary agency staffing. However, route planning did not always allow for full time officers to complete and still remain within identified service standards;
- in terms of the agency staff use figures these were available and would be circulated however, it was noted such use was changeable on a day-by-day basis, where the Council continually sought to minimise this type of use;
- a full Equality Impact Assessment of the proposals had been undertaken;

- Phase 2 of the SNT Structure Review would see a focus on the Management Team for the delivery of the service;
- the matter before the Forum that evening was the consideration of implementation of an existing clause within staffing contracts;
- that there were no single status impacts arising from the proposals.

In considering the issues before them Members expressed their concerns that the report submitted was not in line with their expectations in terms of decision making. A Member suggested that an independent review as proposed might provide a fuller response to inform potential outcomes of the proposals.

A Member spoke of the financial challenges facing the Council and the need to resolve the matters raised within a reasonable timeframe, whilst ensuring the veracity of the processes.

The Divisional Director of Human Resources and Development noted that the item had come to the Forum as there was disagreement with the outcome of the consultation process. However, prior to this meeting no concerns had been raised with regard to agency staff use or Single Status. He suggested that in view of the new points now raised and to inform future recommendations concerning service provision there needed to be clear evidence supplied by the employee representatives, together with further information from the Directorate around agency staff use and route planning.

Resolved to RECOMMEND: (to Portfolio Holder Performance, Customer Services and Corporate Services) That:

- (1) costs in relation to the utilisation of temporary agency staff for SNT provision be circulated to all members of the Forum within 14 days of this meeting;
- (2) a further report be provided by management ~~review be undertaken~~ into the proposals for STN provision, to include the issues outlined above and subject to the provision of appropriate evidence by the employee representatives of the issues raised, to allow the Portfolio Holder to take a full and final decision.

7. INFORMATION REPORTS - Health and Safety Training Update, Progress of the Health and Safety Partnership Board and Departmental Safety Group Meetings, and Annual Health and Safety Report 2009/10

The Forum received reports of the Corporate Director Finance which set out: Health and Safety training update; Progress of the Health and Safety Partnership Board and Departmental Safety Group meetings; and Annual Health and Safety Report 2009/10.

The Chairman noted the circulation of a list of questions by employee representatives and agreed to respond to these separately, copying in all Members of the Forum.

A Member expressed his view that in terms of the reports content there was no clear link between the health and safety report submitted and the training provided, in terms of trend analysis of the issues faced by individual Directorates. He spoke on the Children's Services Directorate stating that several issues of violence were advised within the report. However, no Action Plan had been provided, particularly where examples of an increase in violent practice were identifiable.

A Member asked for a clarification of mandatory training, when compared with recommended training and this was explained. The Member further requested a drill down report on the nature of and specific areas within the Children's Services Directorate affected by issues relating to health & safety and violence and it was agreed that this be submitted to the next meeting.

An employee representative asked about the proposals for action to address the growing problem area of work related stress and the Divisional Director of Human Resources and Development responded that this was recognised to be an increasing national issue. He then outlined the various measures already in place and noted that where a service was impacted upon by the transformation programme additional resources would be available to support staff through transition. He further agreed the internal Health at Work Group could consider further actions the Council could be taking for the wellbeing of its employees.

A further concern raised by the employee side was discussed in terms of the take up of training. It was further noted that training in respect of health and safety provision was supplied by Unison which employee representatives considered could be procured at less cost than the current training provider. It was agreed that officers would consider the points raised by employee representatives as part of the current service efficiency review of the Health and Safety service and that this would include a review of current training, take up and alternative training providers.

In response to a further query it was agreed that officers report to next meeting on the learning from the recent Civic Centre site bomb alert and the new arrangements for Fire and Bomb Alerts to be introduced as a direct action.

In considering the various Directorate reports the Forum requested that the Corporate Director Children's Services attend its next meeting in view of the health and safety statistics associated with her service areas and the difficulties that had been experienced in convening health and safety meetings within schools.

Resolved to RECOMMEND: (to Portfolio Holder Performance, Customer Services and Corporate Services)

That the requests outlined above be agreed and submitted to the next meeting.

8. INFORMATION REPORT - Programme for Legionella and Water Systems

The Forum received a report of the Corporate Director Finance which set out details of the programme for legionella and water systems. It was noted that a legionella risk management programme was to be implemented which would simplify and standardise the process across the organisation.

RESOLVED: That the report be noted.

9. INFORMATION REPORT - Sub-Group of Corporate Equalities Group

A report by the Divisional Director of Human Resources and Development which updated the Forum on the role of the Sub-Group of the Corporate Equalities Group and related actions was considered by the Forum.

A Member questioned the costs of £20,000 associated with the proposals and noted that an extension of categories would not appeal to persons completing such forms who did not wish to provide this information.

Employee side representatives spoke welcoming the report and its proposals noting the importance of equalities monitoring.

RESOLVED: That the report be noted.

10. Annual Equalities in Employment Report 2007/09

Further to the request at the previous meeting of the Forum, a report of the questions raised by the GMB on the Annual Equalities in Employment Report was submitted. The Divisional Director of Human Resources and Development advised that the responses to all questions had been submitted to the previous Forum.

RESOLVED: That the report be noted.

11. HR Policy Framework - Fair Treatment Suite Review

The Forum considered a report of the Divisional Director of Human Resources and Development which set out the outcome of a review of the Fair Treatment Suite of procedures implemented in 2009 on a one year trial basis, highlighting the key changes that had resulted. He noted that the implementation of the toolkit had proved successful and there had been a significant reduction in the number of Employment Tribunal Claims received, compared to previous years. The report submitted now sought implementation of the proposals on a formal basis.

An employee representative noted that he was unable to comment on the information stated as he had not received it and the Divisional Director of Human Resources and Development responded that the employee representatives had been an active part of the consultation process, noting that he would ensure the information was provided.

A Member spoke on the proposals noting that he considered the approach to be correct, although further detailed monitoring information needed to be provided to individual Portfolio Holders on the numbers of Dignity at Work complaints and Conduct cases in their service remits to ensure their awareness of such matters.

A Member noted, which was supported by the employee representatives, that GMB had never been supportive of the proposals and that Unison had agreed to the Pilot but were unconvinced with regard to its implementation and wished to return to the previous system. Unison continued to object to the removal of Members from the grievance procedure.

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

- (1) the outcomes of the pilot of the Fair Treatment Suite be noted;
- (2) a further pilot be implemented for one year of the Fair Treatment Suite with Stage 3 Dignity at Work Appeals being subject to consideration by Member level Personnel Appeals Panels, in line with the current Conduct Appeals process, to allow comparative assessment of such an appeals process with the previous pilot scheme;
- (3) Portfolio Holders receive monthly summary reports of all grievances / disciplinary appeal cases under consideration within their Directorate Service areas.

12. Employees' Side Report and Management Response on Lack of Information and Response Regarding Unison's Non Contractual Submission

A report submitted by Unison outlined its views with regard to the potential impacts arising from the introduction of non-contractual employment policies.

An employee representative spoke with regard to the legal opinion gained by the Council and that this appeared in content to be ambiguous. He proposed that the changes should not be implemented as there could be an impact as part of any future TUPE arrangements affecting employees.

The Divisional Director of Human Resources and Development spoke on the reasoning for the proposed changes and the Council's potential liabilities in respect of breach of contract claims. An HR representative further noted that the proposals had been subject to extensive consultation and discussions with employee representatives with the majority of issues sought by Unison having been accommodated within the proposals.

A Member spoke on the importance of ensuring the Council had fully addressed any risk implications. Members discussed the report noting that the risk element arose only where it was perceived that the application of policies and procedures was unfair.

Resolved to RECOMMEND: (to Portfolio Holder Performance, Customer Services and Corporate Services)

That the employment policies be contractual and the associated guidance and toolkits be non-contractual.

(Councillors Bath, Macleod-Cullinane and Osborn requested that their votes against the recommendation be recorded).

13. Employees' Side Report and Management Response on Procurement Agreement (Early Engagement)

At the request of the employee representatives and with agreement of Council the report was withdrawn.

14. Exclusion of the Press and Public

RESOLVED: That

- (1) the press and public be excluded from the meeting in accordance with Part I of Schedule 12A of the Local Government Act 1972 for the following items and reason set out below:

<u>Item</u>	<u>Title</u>	<u>Reason</u>
18.	Employees' Side Report on Youth Offending Service Reorganisation.	Information under paragraph 4 (contains information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority and a Minister of the Crown and employees of, or office holders under the authority).
19.	Information Report – Response to the Employees' Side Report on Youth Offending Services Reorganisation	

- (2) the Forum's concerns regarding the number of items as identified as confidential inappropriately be noted and that all other reports (Items 16, 17, 20 – 23) be considered in Part 1 of the agenda.

15. Employees' Side Report and Management Response on Youth Offending Service Reorganisation

The Forum received a report submitted by Unison concerning a workplace reorganisation that had not been undertaken in accord with agreed procedures. In view of the issue being the subject of ongoing discussions it was agreed that the outcomes of that process be reported to the next meeting.

Resolved to RECOMMEND: (to Portfolio Holder Performance, Customer Services and Corporate Services)

That the matter be deferred to the next meeting pending the outcome of current discussions with regard to the proposals.

16. Extension of Meeting

In accordance with the provisions Rule 14 (Part 4B of the Constitution) during Item 14 (Fair Treatment Suite) it was

RESOLVED: At 9.59 pm to continue until the end of business on the agenda.

(Note: The meeting, having commenced at 7.44 pm, closed at 10.55 pm).

(Signed) LYNNE AHMAD
Chairman