

EMPLOYEES' CONSULTATIVE FORUM MINUTES

27 OCTOBER 2010

Chairman: * Ms L Ahmad

Councillors: * Mrs Camilla Bath * Barry Macleod-Cullinane (1)
* Bob Currie * Phillip O'Dell
* Susan Hall * Bill Stephenson
* Graham Henson

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

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

17. Attendance by Reserve Member

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

Ordinary Member

Reserve Member

Councillor Paul Osborn

Councillor Barry Macleod-Cullinane

18. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Items 7 – 14: Employees’ Side Report and Response on Early Engagement, Information Report – Housing Peer Review, Evaluation of Accident Statistics in Children’s Services During the Period 2009/2010, Children’s Services Transformation Stakeholder Reference Group, Information Report – Update on Youth Offending Service Reorganisation, Information Report – Update Report on Special Needs Transport, Update on Progress in Discussions on Contractual/Non Contractual Employment Policies and Procedures.

Councillor Bob Currie declared a 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 declared a personal interest in that he was a member of the Communication 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 declared a 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.

Agenda Item 10 – Evaluation of Accident Statistics in Children’s Services During the Period 2009/10

Councillor Barry Macleod-Cullinane declared a personal interest in that he had been a Cabinet Member and the Portfolio Holder for Adults and Housing under the previous administration. He would remain in the room during discussion and decision making on this item but would leave should his personal interest become prejudicial.

Councillor Susan Hall declared a personal interest in that she had been a Cabinet Member under the previous administration. She would remain in the room during discussion and decision making on this item but would leave should her personal interest become prejudicial.

19. Minutes

[It was noted that the Portfolio Holder Decision had been implemented. A recommendation could not be made to a Portfolio Holder unless it was agreed by a majority of the elected Councillors on the Forum]

RESOLVED: That the minutes of the meeting held on 30 June 2010, be taken as read and signed as a correct record subject to it being recorded that with regard to minute 12 the Employees Side moved an amendment to state that the minute should be modified to read that the policies contained within the Conduct, Dignity at Work and Capability suite be contractual and the associated guidance and toolkits be non-contractual. The Council Side did not respond to the proposal.

20. Petition

RESOLVED: To note the receipt of a petition containing 150 signatures regarding facilities at the Central Depot.

21. Deputations and Public Questions

RESOLVED: To note that no public questions were put or deputations received.

RESOLVED ITEMS

22. Employees' Side Report and Management Response on Early Engagement

A report submitted by the Employees' Side outlined its view that there had been a clear breach of the early engagement terms of reference and the agreements that both trade unions had received from the Chair of the Better Deal for Residents Forum (BDfR). Unison and GMB requested that the Chair of the BDfR Forum adhere to the principles and agreements of engagement, or step down from the position.

The Employees' Side stated that the Council had a responsibility to consult adequately in respect of ACAS codes of best practice for effective consultation in an environment where their members might lose their jobs and livelihood. The interpretation of consultation by the current Chair of BDfR undermined the ability of the trade unions to consult.

An employee representative outlined key concerns as follows:

- the Management Response referred to agreed funding to provide additional capacity for the trade unions through the full time secondment of a trade union representative to the Joint Secretary role. However, the Joint Secretary role had been funded through Unison for five months. It was not a representative role but, a consistent point of contact and all issues had to go back to the unions for decision. Due to the subsequent engagement of business partners and excessive workload, it was suggested that the unions might need to be revisit funding of the post;
- there had been a lack of clarity as to the purpose and form of the blueprint referred to by the Chair of BDfR;
- the trade unions did not support the statement that the Chair, and officers who supported the BDfR Trade Union Forum, had made all reasonable efforts to ensure that the trades unions had access to the additional information requested nor that issues raised by the trade unions had been resolved within a reasonable timescale;
- an explanation was sought as to why the report to Cabinet on 28 October stated that a full equality assessment had been completed.

The draft had been only been made available for union comment on the previous Friday;

- documentation should be made available to the unions at the start of the consultation. Trade union members had expressed the wish for indicative ballots for action as they were not engaged at first,
- it was not considered conducive to good relations that the draft identified resistance from trade unions as a potential issue

Specific statements addressed to the Chair of the BDfR forum included:

- why were the first Outline Business Case (OBC) documents presented to the Unions identified as version 2?
- the outcome could be impacted by the project lead appointment being affected by the restructuring;
- due to the delay in offering two secondment positions, the application process was extended, but for only six days, which was insufficient;
- the initiation before OBC consultation ended could potentially increase staff losses by 23-24 posts;
- no response has been received to questions submitted by the Sports Development Team regarding proposals for deletion of posts;
- management had an advantage in that different processes were in operation. The trade unions received the OBC whilst management had been involved in the Full Business Case (FBC);
- despite the requirements of the GLPC scheme, gradings of posts had been agreed prior to the end of consultation;
- answers provided to questions raised on the FBC indicated that the project team was already consulting with management despite the unions being informed that the work had just commenced.

The Chair of the BDfR Forum stated that the transformation process was proceeding at a challenging pace both managerially and for the unions on substantial issues and process. He was committed to the continuation of early engagement with the trade unions from the OBC. He detailed the meetings and dialogue that had taken place, stating that the task was to deliver a balanced budget in a transformational way to minimise the service affects.

He undertook to circulate the email questions received from the trade unions prior to the meeting.

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

- the Management Side response addressed the concerns raised by the trade unions. The questions raised at the meeting included issues that had not been raised at the appropriate Forum in accordance with the consultation process;
- the Divisional Director of Human Resources and Development had provided an explanation of the blueprint process to the trades unions;
- the funding for the Joint Secretary secondment would be examined in the light of the comments made by the trades unions;
- agreement to proceeding with work on the Public Realm and Libraries FBC work had been specifically subject to consideration of the trades unions comments;
- the Chair of the BDfR would follow up the responses to the sports development questions;
- Management were tasked with preparing information for consideration and consultation so were required to be brought into the discussions at an earlier point than the trades unions;
- the Chair of the BDfR considered that the equality impact assessment was proportionate and reasonable. It was presented initially in draft form as it was fully expected that further work would be undertaken as the project moved towards implementation. As a result of discussions at the meeting he would issue a clarification at Cabinet on the equality impact statement. The statutory clearance process for the report had been undertaken and he would take away the concerns raised including the need for appropriate legal advice. He would report back to the trades unions on the detail of the 31 August meeting;
- the concerns raised by the trades unions would be investigated including an examination of the draft assessments.

With regard to the statement in the issue log outcome regarding trade union and leadership discussion, a Member expressed disappointment that this had not been cascaded, particularly cross-party.

A Member stated that it was not considered appropriate to involve the trades unions at the Strategic Business Case (SBC) level. However, a meeting held between senior officers, senior members and trade unions to discuss issues arising from the transformation project and budget reductions on a confidential basis was an example of the consultation offered. In addition, as a result of the call-in on the Learning and Development OBC consultation, increased consultation procedures had been put in place.

RESOLVED: That the report be noted.

23. Information Report - Housing Peer Review

The Panel received a report of the Divisional Director of Housing which detailed progress against the actions that were agreed to form the basis for working arrangements between housing services and the trade unions.

It was noted that the Employees' Side were of the opinion that two items remained unresolved.

RESOLVED: That the report be noted.

24. Evaluation of Accident Statistics in Children's Services during the Period 2009/10

The Forum received a report of the Corporate Director Finance which had been submitted as a result of concern expressed at the previous meeting of the Forum regarding the number of physical assaults in the Children's Services Directorate as reported in the Annual Health and Safety report.

The report evaluated the accident statistics for the financial year 2009/10. The Forum was advised that active encouragement and resources were given to report all accidents in schools. The Corporate Director Children's Services informed the Forum that she would investigate issues regarding behavioural management. In addition, she would ensure that asbestos training would be mandatory for all appropriate staff.

The Forum agreed that an Employees' Side question regarding the statistical breakdown for each school, particularly with regard to Health and Safety Inspectorate incidents, be submitted to the Corporate Director Children's Services and Interim Health and Safety Lead and the response be circulated.

In response to a question, the Corporate Director Children's Services stated that, as a result of the corporate health and safety contract, the Directorate undertook a quality assurance role. School Governors had the choice whether to buy into the contract or opt out. She was satisfied with the training and assistance given by the health and safety unit and the current budget provision.

RESOLVED: That

- (1) the accident statistics in respect of the Children's Services Directorate for the financial year 2009/10 be noted;
- (2) accurate and timely incident reporting to be emphasised during health and safety training and at the Education Health and Safety Forum;
- (3) it be noted that future annual health and safety reports would contain a more detailed analysis of incidents and trend analysis.

25. Children's Services Transformation Stakeholder Reference Group

A report of the Director of Schools Commissioning and Children's Services informed the Forum of details of the Stakeholder Reference Group set up to manage the stakeholder engagement in the Children's Services Transformation Programme.

The Corporate Director Children's Services introduced the report and stated that she would welcome the contribution of the Employees' Side.

In response to a question regarding Leaving Care – Lean project, the Forum was informed that this project examined the support young people received and identified new ways of working. As a result of the hard work undertaken by staff, budgets had been reduced significantly.

RESOLVED: That the report be noted.

26. Information Report - Youth Offending Team Restructure

The Forum received an update on the Youth Offending Team reorganisation which was under review at the time of the last meeting. Due to the subsequent resignation of a member of staff the planned reorganisation was no longer required and did not take place.

RESOLVED: That the report be noted.

27. Information Report - Special Needs Transport Service (SNT)

The Forum considered a report of the Corporate Director Children's Services which set out the response to issues raised by the Employees' Side at the previous meeting with regard to the Special Needs Transport Service. It was noted that information on the use of agency staff had been circulated to the Forum.

The Forum was informed that a small number of escorts and drivers continued to be provided on an agency basis, to provide flexibility whilst SNT2 was implemented. The Corporate Director of Children's Services undertook to investigate an issue raised by the Employees' Side on payment made to agency staff attending at the Depot but not required to work. The Forum was informed that agency staff ordered and subsequently not required, for example due to a sick child, received a minimum payment in accordance with a longstanding procedure.

RESOLVED: That

- (1) the report be noted;
- (2) information regarding statistics and costs be circulated to members of the Forum.

28. Information Report - Non-contractual Employment Procedures

The Forum was advised of the current position following the decision of the Portfolio Holder for Performance, Customer Services and Corporate Services to commence consultation with Unison and GMB in order to implement the recommendation from the last meeting that employment policies be contractual and the associated Best Practice Notes and Toolkits be non-contractual.

The officer stated that the notes of the Corporate Joint Committee on 14 July recorded that the discussions with the unions were being held on all employment policies and procedures. Initial meetings with the unions up to 24 September had been positive.

The Forum was informed that, despite positive initial meetings, Unison withdrew from the process stating that its belief was that the Portfolio Holder's decision applied only to the three current non-contractual procedures – Capability, Conduct and Dignity at Work. Subsequently, a meeting was held with the Portfolio Holder on 14 October at which both unions agreed to contribute to the consultation process concerning all employment policies and procedures.

A letter from the Unison Branch Secretary dated 15 October 2010 (Appendix 1) listed conditions to which further consultation regarding employment policies and procedures should be subject.

The officer stated that discussions regarding employment policies had been taking place over a number of years. The aim of the meetings with the unions was to seek to agree a consistent approach across all policies and procedures.

The Portfolio Holder stated that the discussions had taken place since 2007. He was of the view that it was important to differentiate between policy and guidance elements. The work needed to be taken forward quickly as some key areas were out of contract.

The Employees Side stated that discussions needed to be transparent. It was of the view that the previous Portfolio Holder had had a conflict of interest. The discussion was weighted heavily in favour of the employer and an equal status was requested.

The Employees' Side were further of the view that the discussion at the previous meeting related to the three Fair Treatment Suite procedures only. A Member stated that his Group had also been under this impression which was why they had voted against the resolution.

The Divisional Director of Human Resources and Development suggested that, in meeting the objective of the trade unions that the Fair Treatment Suite policies become contractual, a discussion on all policies would be a logical consequence. The preconditions set out in the letter from the Branch Secretary would be difficult for the authority to agree to. Should the trade unions not withdraw the preconditions it would leave staff who transferred to

other providers without the benefit of contractual status for policy within Conduct, Dignity at Work and Capability. The recommendations to the Portfolio Holder had financial and legal implications to ensure that the necessary checks were in place.

The Employees' Side agreed to remove the preconditions provided the discussions proceeded on a contractual basis. It stated that the outcome should not be weighed heavily in favour of the employer. It was suggested that the discussions be recorded. The officers invited Unison and GMB representatives to a meeting on 1 November to commence discussions on all employment policy and procedure. The Employees' Side agreed to attend the meeting.

The Portfolio Holder advised the trades unions that it was not appropriate to enter discussions on the basis that all employment policy and procedure was contractual. He indicated that the request that Unison legal advice be considered in the discussions was acceptable provided a reasonable timescale was maintained.

RESOLVED: That

- (1) a meeting be convened between management and Unison and GMB to commence discussion on employment policies;
- (2) the Divisional Director of Human Resources and Development undertook to respond to the letter from Unison dated 15 October 2010.

29. Annual Equality in Employment Monitoring From 01 April 2009 – 31 March 2010

This item was withdrawn from the agenda as it had been previously agreed to hold a Special meeting on the subject.

(Note: The meeting, having commenced at 7.40 pm, closed at 9.50 pm).

(Signed) LYNNE AHMAD
Chairman