

EMPLOYEES' CONSULTATIVE FORUM MINUTES

18 APRIL 2012

- Chairman:** * Councillor Graham Henson
- Councillors:** * Mrs Camilla Bath * Phillip O'Dell
* Bob Currie * Paul Osborn
* Jean Lammiman * Bill Stephenson
- Representatives of HTCC:** Ms L Snowdon
- Representatives of UNISON:** Ms L Ahmad * Mr G Martin
* Mr D Butterfield * Mr R Thomas
* Mr S Compton
- Representatives of GMB:** * Mr S Karia

* Denotes Member present

80. Welcome

The Chairman welcomed attendees to the meeting and commenced the meeting by issuing a statement. The statement read as follows:

“As you will be aware both the Leader and I have previously informed the trade unions that it is not acceptable to present public reports that include disparaging or disrespectful statements about any Council employee.

I'm disappointed that Unison have submitted their report to ECF on Modernising Terms and Conditions in its current format, which was published earlier than expected. The wording in this report is similar to letters and emails that have also been sent on this subject to a large number of people within the Council and externally.

Statements such as the 'HRD Director ill-advised Cabinet and the Chief Executive' and the 'Divisional Director intentionally misled and misrepresented a Cabinet report' are unwarranted and potentially defamatory.

Quite frankly, this is unacceptable. I do not wish to prevent Unison from raising the issues set out within this report tonight; indeed I actively support the trade union's right to raise issues on behalf of their members.

We have no objection to the trade unions challenging officers' decision or advice but this must be done in a respectful way.

We are not prepared to publish reports or respond to correspondence that does not confirm to reasonable standards.

I wish to make it clear that in future any report or any correspondence that includes disparaging, derogatory or disrespectful statements about any Council employee will not be accepted and will not be responded to.

I want to remind attendees that all employees, including trade union representatives, are expected to act in accordance with the Council's Code of Conduct and that standards of behaviour which fall short of this may lead to action being taken through current Council policies.

So in the debate tonight, I would expect the attendees ensure that any contribution they make, also reflect this minimum standard".

81. Attendance by Reserve Members

RESOLVED: To note that there were no Reserve Members in attendance.

82. Declarations of Interest

Agenda Item 7 – Information Report – Update on Modernisation of Terms and Conditions; Agenda Item 8 – Unison Report on the Modernisation and Terms and Conditions; Agenda Item 9 – Information Report – Management Response to Unison's Report on the Modernisation of Terms and Conditions; Agenda Item 10 - Information Report – Employment Procedures Monitoring; Agenda Item 11 – Information Report – Response to the Forum on Health and Safety Training; Agenda Item 12 – Employees' Side Report on Health and Safety Policy and Procedures and Ongoing Health and Safety Issues and Management's Response; Agenda Item 13 – Information Report – Management's Response to Employees' Side Report on Health and Safety Policy and Procedures and Ongoing Health and Safety Issues; Agenda Item 14 – Public Realm Services IPADs and Training.

Councillor Bob Currie declared a personal interest in that he was a retired Unison member and his son worked for the Council. He would remain in the room whilst the matters were considered and voted upon.

Councillor Graham Henson declared a personal interest in that he was a member of the Communication Workers Union and he had a relative employed by the Council.

83. Minutes

RESOLVED: That the minutes of the meeting held on 24 January 2012 be taken as read and signed as a correct record.

84. Public Questions, Petitions and Deputations

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

RESOLVED ITEMS

85. INFORMATION REPORT - Update on Modernisation of Terms and Conditions

The Forum received a report which detailed progress for the Modernisation of Terms and Conditions of Employment Project following a decision made by Cabinet that the workforce be consulted.

An officer introduced the report and explained that the Council had developed proposals to modernise employees' terms and conditions of employment. The officer highlighted the presentation that was being delivered to all employees and reported the following:

- A consultation pack had been sent to all Council staff including non-teaching staff in schools. Consultation had begun with the Trade Unions on the general proposals contained within this document.
- There were a range of consultation meetings taking place directly with staff. There would also be meetings held within schools for non-teaching staff to also provide their views and input.
- The report highlighted a timetable for implementing any changes to terms and conditions, which it was envisaged would be adhered to.
- Staff were being reminded of the current financial climate and that public sector spending cuts required the Council to save approximately £65 million over a four year period with £10 million of that not so far identified.
- The Council was seeking to deal with modernising terms and conditions in a more balanced manner than other Local Authorities to ensure that there were benefits for the Council and employees. Other Councils had taken more drastic changes to their employees' terms and conditions. Some had reduced staff basic pay from between 4% to 5.4%.

- The Council were respectful of staff and their current circumstances. There had been no pay award for the previous couple of years. In addition to this the cost of living had increased and there had been significant changes made to the pension scheme.
- The Modernising principles had 4 elements: to modernise; to simplify; to reduce costs and offer improved choices
- An open and honest discussion was required with employees on the proposals.
- There were 3 main proposals. The first was in relation to modernisation, the second, as an alternative to modernising proposals, was in relation to basic pay, and the third was in relation to other changes.
- Within the first main proposal of modernising, the focus was about enabling flexibility. It dealt with working arrangements, time off and payments for overtime and weekend working and presented an opportunity to think differently when work could be conducted and where.
- In the recent staff survey, approximately 82% of staff had identified flexibility as being the most important thing to them. This was therefore a key aspect to focus on during the project.
- A range of options on flexibility were being presented for consideration along with proposals reviewing overtime payment and enhancements.
- It was proposed that all staff receive an extra day's annual leave.
- It was proposed that sick pay be reduced from its current maximum of 6 months full pay and 6 months half pay entitlement to 4 months full pay and 4 months half pay.
- It was proposed to have a more even grading structure across the Council to ensure fairness. There was a proposed change to the H1 scale so that the minimum pay point was at or above the London Living Wage.
- It was also proposed that the Chief Executive and Corporate Directors have their wages reduced by 2.5%. It was further proposed that SPM1 graded staff and those on Director grades but below Board level) forego the first 2.5% of any pay award in a three year period.
- There was also a proposal for incremental progression to be related to satisfactory performance. If an employee was under a formal conduct or capability warning, they would not be entitled to any progression.
- The Essential Car User Allowance Scheme would be revised so that it better reflected the principle that staff be reimbursed for the costs

incurred in providing a car for use at work. Eligibility for Essential Car Users would also be reviewed.

- Mileage rates would also be reviewed. The rate that the Council utilised was currently higher than that of the Her Majesty's Revenue and Customs (HMRC). The Council therefore had proposed to use these lower rates.
- The Council would look to harmonise standby rates for employees.
- The Council's current redundancy compensation scheme had a higher rate of compensation than the statutory compensation scheme and the second most expensive scheme amongst London Boroughs. Applying the statutory scheme would mitigate against any risk involved in paying out a different rate. The Council was mindful that this was currently a difficult time for employees and had therefore proposed that any change to the redundancy compensation scheme would have a phased introduction from 2014 and 2015. The scheme would therefore not affect any employees who were currently experiencing change.
- It was proposed that for staff entitled to pay protection the period be changed from 3 years to 1 year for any staff newly protected from April 2013.
- It was proposed that there would be a Total Reward Scheme for employees, which would collate all staff benefits into a single scheme. This could be provided by one supplier and could comprise of salary sacrifice arrangements and discounts and offers from national and local suppliers of goods and services.
- The second main proposal related to offering an alternative of a 2.5% reduction in basic pay, which would apply to all employees who were on scale H3 and above. However this was not the Council's preferred option. If the theme of flexibility was pursued, this would provide the Council with greater benefit and capacity to meet the challenges for the next 5 years and beyond.
- Staff at some Directorate consultation meetings had suggested an alternative way forward was to implement a hybrid of the first and second main proposals, which would mean a lower basic pay reduction than the alternative, but this would allow the council to review the other proposals for cost reduction and potentially phase them over a longer period.
- The third main proposal was about establishing a single employment contract for all staff in scope of this review – effectively a 'tidying up' of the contract. Some employees, dependent on when they started with the council, had contracts which are different to others employed more recently. The proposals would include standardising terms relating to payment in lieu of notice, making clear that the council would consult with employees and the unions if the hours and place of work changed

as a consequence of the flexibility proposal above and Mobile and / or Flexible Working; and implementation of a decision to make employment policy contractual and guidance and toolkits non-contractual.

- There was no firm policy on car parking charges however the employee expenses policy did not make it clear that employees would not be reimbursed for parking charges at their work base. It was important that this was made clearer.

During the discussion on this item, Trade Union Members of the Forum made a number of comments as follows:

- Assumptions about the Essential Car User Allowance were false. Some employees required higher levels of insurance cover, and the amount proposed would not cover this amount.
- The alternative proposal of a cut in basic pay was a concern because it would not provide any incentive for single parents to seek employment, particularly as state benefits could be more favourable for them in the current national economic climate.
- There was concern that any future pay settlement for staff could be affected by the Local Government Association's stance on this. There was therefore no guarantee that any increase would be passed on to staff.
- There was concern at the proposal on incremental progression to apply where an employee satisfactorily performed. It was Unison's belief that staff across the Council were not currently treated the same, so this may lead to unfair implementation and differential treatment across the Council.
- It was Unison's belief that annualised hours and removal of overtime was designed to cater for future outsourcing projects in the future.
- There was concern on restrictions on pay performance. In their view previous Dignity at Work cases had demonstrated disadvantages through pay grades. This had to be addressed to ensure fairness and transparency.
- There were concerns that proposals relating to reducing redundancy payments would mean that after 2014, there could be significant redundancies made as it would be cheaper to dismiss staff.
- There were no proposals relating to Members Allowances. This was an area which should be investigated.
- If a collective agreement was sought from unions on modernising terms and conditions, there were concerns that if any services were then

subsequently outsourced, this would mean that the agreement would have no status in that relevant service area.

- There were concerns that in some circumstances, market supplements had been removed from employees' pay. No evaluations had been viewed by the unions regarding this.
- A view was held that basic pay reduction should be avoided at all costs, particularly as one Corporate Director had had significant pension contributions in the previous year. An officer responded that this information was incorrect. The salary information referred to was based on the Corporate Director starting mid-way through the year which therefore meant that his salary in the first year was a part-year cost only and in the second year was a full year's salary, inclusive of an increment. There were no pensions changes made.

During the discussion on this item, Members of the Forum raised a number of issues, which officers responded to as follows:

- Work had been conducted by the Council in relation to increased costs on extra insurance provision required by staff as part of the Essential Car User Allowance Scheme. The Council were therefore confident that any extra costs would be met by the new proposed scheme.
- Comments regarding providing incentives for single parents to work were noted, and would be considered as part of the consultation. It was highlighted that the modernising proposals would offer wider benefits which may offer other incentives.
- The proposals were about creating flexibility and not for making services more attractive for outsourcing. In any event if services were fit for purpose, flexible and more efficient, it would actually make them less likely to be outsourced.
- A senior management restructure had taken place which had reduced the numbers of officers on CSB. It had been made clear that as part of these proposals, there would be work conducted to review services further under the relevant directorates, to achieve more efficiencies.
- Approximately 8% of the total staff costs were paid to middle and senior managers. If real savings were to be achieved, there would inevitably have to be an impact on lower paid staff.
- There were no easy answers in relation to modernising terms and conditions, so it was important to ensure that there were balanced outcomes.
- The other local authorities, which had implemented very significant basic pay reductions, only highlighted a few examples of what was happening nationally.

- The issues regarding difficulties in ensuring fairness on performance related pay were recognised. Therefore at present, in order to ensure transparency, it was only proposed that progression would be withheld from those who had a formal conduct or capability warning.
- There was a misconception that agency workers were more expensive than permanent staff. This was not the case for the majority of agency workers. On-costs for agency staff were less than that for permanent staff.
- It was important to be honest. The Council would not have the numbers in current workforce in the future as it had presently. Reductions would have to be made in the future which had to be affordable for the Council.

During the discussion on this item, Members of the Forum made a number of comments which included:

- There was a view that the proposals were not balanced and affected frontline staff to a large degree. Additionally it was his belief that senior staff were not affected significantly by the proposals;
- Salary progression through performance was difficult to evaluate. It was important therefore to demonstrate how the Council would achieve an equitable process;
- Recommended allowances for London Councillors are set by an independent body. The allowances for Harrow Councillors are currently set at somewhere around two thirds of the recommended rate and are the second lowest in London. It had previously been reported that the administration intended to freeze these allowances until the next council elections.
- The London Living Wage would aid those who were on relatively low pay and there were a number of other benefits contained within the proposals.

At the conclusion of the debate, the Divisional Director, Human Resources Development and Shared Services commented that the debate had been very helpful and that the views of the unions and staff would be taken on board. He stated that it was hoped that it would be possible to reach a collective agreement on the proposals.

RESOLVED: That the report be noted and the comments made by the Forum fed into the consultation process on Modernising Terms and Conditions.

86. Employees' Side Report on the Modernisation of Terms and Conditions and Management's Response

A Trade Union Member of the Forum introduced the report and stated that, in response to the Chairman's opening remarks, the report was not intended to constitute an attack on Members or officers. They believed that their report constituted a degree of scrutiny on the responsible officer.

The Trade Union Member of the Forum reported several issues which included their views on the following issues:

- The report highlighted inaccuracies which Unison believed had been reported.
- It was their view that it was inaccurate to report that Unison had withdrawn from formal negotiations with the Council. Unison were willing to continue negotiations and had tabled formal alternative approaches.
- Unison had several important questions which they believed had not been answered and had been highlighted in the report.
- Unison believed that the previous meetings held with the Council were formal and claimed that the Council had stated they were informal meetings in reports to Cabinet. Unison had highlighted that in relation to this, they were required to agree Terms of Reference which indicated an element of formality. They believed that this was a misrepresentation which required investigation.
- Unison believed that there was a contradiction in relation to the Equalities Impact Assessment. They were querying how an Equalities Impact Assessment could have been conducted, in the absence of the development of any proposals. Unison had additionally requested a copy of this document.
- Unison contended what they believed were assumptions in management's response that their Regional Officer was not prepared to negotiate with the Council. The Branch Secretary had clear authority to act on his behalf.
- Unison believed that management's response report had implied that Trade Unions had not raised concerns that non-teaching staff in schools had not been consulted regarding meetings. They refuted this as they believed this was not their responsibility.
- Unions could be unfairly subject to criticism from their members as a result of what they believed was the Council's lack of early engagement with non-teaching staff in schools.

- It was Unison's view that the project's outcomes had been predetermined. They believed that there should be compromises from all parties especially on behalf of the Council.
- Unison believed there was reluctance on behalf of the Council to engage openly and transparently. They believed that there had been oversights and errors, including the failure to consult with non-teaching staff in schools.
- Unison believed that staff had to be treated fairly and equally. Assurances were required that this would be the case.
- It would be helpful if it was accepted that future negotiations should take place with an aim to resolve issues and reach compromises.
- There were concerns that the first time schools had heard of the project was when the report to Cabinet was made public. Because of this error, it had been difficult to explain the benefits and merits of the project.
- There were concerns that a large section of the workforce would be voting on proposals which significantly affected only a small section of the workforce.

During the discussion on this item, Members of the Forum raised a number of issues, which officer responded to as follows:

- It was believed that all relevant questions asked by Unison had been addressed in the response report prepared by management.
- There had been no attempt by the Council to deflect blame. The Council had apologised for not engaging with non-teaching staff in schools at an earlier stage of the project. The Council were determined to ensure future consultation was managed better and communication with schools via the Headteachers and Governing Bodies, would also be handled better in the future.
- It was recognised that if there was a collective agreement achieved, the unions would have to ballot their members separately. It was not the Council's intention to put any onus on the unions as all staff would need to be advised of the merits of the proposals.
- It had become clear to the Council in January 2012 that there was little prospect of achieving a collective agreement on modernising terms and conditions. There were clearly differences of opinion between the Council and the unions so it was important to look to the future and see how they could work together for the benefit of all staff.

During the discussion on this item Members made a number of comments as follows:

- There was renewed hope and confidence that a collective agreement could be achieved on modernising terms and conditions. There was a timetable in place and savings to achieve. The Council always strived to treat staff fairly, transparently and equally.
- The Council had been commended for apologising to non-teaching staff to schools.

RESOLVED: That the reports be noted.

87. INFORMATION REPORT - Employment Procedures Monitoring

The Forum received a report which set out outcomes of the consultation held with the Trade Unions on potential changes to employment procedures to improve performance.

The Divisional Director of Human Resources and Development and Shared Services reported that talks with the Unions had been positive. The appendix to the report highlighted the latest position. There were a range of reasons as to why delays were encountered in employee procedures including those which related to the employee, trade unions and the Council. The Council would continue to work with the Trade Unions on this.

In response to a query raised by a Member of the Forum, the Divisional Director responded that reasons always had to be provided by management when reaching decisions.

During the discussion on this item, Members made a number of comments which included the following:

- It was vital that as part of the Dignity at Work Procedure, the first meeting took place within 15 days and issues should be resolved as soon as possible.
- It was rare that a Dignity at Work complaint was ever upheld.
- Central monitoring of the procedures would be helpful.

RESOLVED: That the report be noted.

88. INFORMATION REPORT - Response to the Forum on Health and Safety Training

The Forum received a report which provided a response to a previous query raised at the previous meeting, on the provision and delivery of Health and Safety training. An officer reported that the report detailed dates on which Health and Safety courses had been provided, the mandatory courses required by different sections of staff and course attendance. The officer also highlighted that there had been 25 claims made against the Council in the last 3 years in relation to Health and Safety. In conducting a benchmarking

exercise, it was clear that the number of claims against the Council and the costs involved were low compared to other Councils.

During the discussion on this item, Members raised a number of issues which officers responded to as follows:

- Comments regarding providing more comparison data were noted. The Council had looked at training expectations to be completed by all Managers to assist in training outcomes. Work was also being conducted with Human Resources to cover new starters.
- Managers had to assess risks in relation to the roles they performed, with guidance from the Health and Safety team. They were the best employees to assess the risks in their work area. Audit tools also highlighted these issues.
- A few Health and Safety courses had been cancelled because of a lack of take up.
- There was a stress questionnaire that managers could complete for staff, which would be evaluated and processed. It was important to recognise that in some circumstances stress was not work related and had to be dealt with appropriately.
- Work related mental health issues were low within the Council. Work place stress within the Council was therefore low.
- Premises managers had undergone asbestos training which they were required to attend. Some sites had their own detailed training and officers were happy to investigate further courses if required.

During the discussion on this item, Members of the Forum made a number of comments which included the following:

- It would have been helpful if further comparison data from previous years had been included to allow meaningful analysis.
- It would be helpful if risks surrounding lone working for teachers and schools were investigated.
- If managers dealt with stress experienced in the office by others, this could deal with any absence issues if it was dealt with at an early stage.
- There was no information relating to training regarding asbestos, where there had been issues raised in the past

RESOLVED: That the report be noted.

89. Employees' Side Report on Health and Safety Policy and Procedures and Ongoing Health and Safety Issues and Management's Response

At the outset of this item, 2 tabled papers were circulated by Unison further to the report contained in the agenda. Members of the Forum commented that they had not been provided with an opportunity to read these documents.

The Chairman instructed that given the reports were the same as presented at the last meeting, he wished for a joint report to be presented to the next meeting of the Forum, which clearly highlighted the issues which were agreed and the issues which were still disputed.

RESOLVED: That the joint report of the Assistant Chief Executive and Unison be presented to the next meeting of the Forum relating to Health and Safety Policy and Issues, detailing areas of agreement and disagreement.

90. Public Realm Services IPADs and Training

The Divisional Director of Environmental Services introduced the report and explained that it contained information which had been requested by the Forum at its last meeting.

The officer reported that the report detailed progress made in relation to the delivery of Individual Performance Appraisal and Development (IPADS) interviews and training which had taken place in the Public Realm Services. The number of IPADs which had taken place within the department had been increased by 17% to 78%.

During the discussion on this report, Trade Union Members of the Forum made a number of comments which included the following:

- Some operational staff had not received training in certain areas. This meant that certain duties had to be performed by non operational staff who were working overtime, resulting in increased costs for the Council. Operation staff were not allowed to work overtime.
- There were concerns that suggestions made by the Unison in relation to the content of training courses had not been taken on board initially. It was only recently that these suggestions had been recognised which had resulted in them being delivered a year later than suggested, resulting in increased costs for the Council.
- There were concerns that non operational staff were multi skilled but were unable to put skills into practice because of their role. This would lead to increased costs for the Council in training those who were not skilled and operational staff.

In response to a query raised by a Member of the Forum, the Divisional Director responded that officers would investigate the issue raised regarding non operational staff skills not being utilised. The Council were confident in

the current staffing structures and were delivering the right training programmes to the correct staff.

A Member of the Forum commented that Members were pleased to see a considerable amount of training having been provided to staff in the Public Realm Service.

RESOLVED: That the report be noted.

(Note: The meeting, having commenced at 7.35 pm, closed at 10.00 pm).

(Signed) COUNCILLOR GRAHAM HENSON
Chairman