

EMPLOYEES' CONSULTATIVE FORUM MINUTES

31 JANUARY 2013

Chairman: * Mr G Martin

Councillors: * Mrs Camilla Bath * Barry Macleod-Cullinane (1)
* Bob Currie † Paul Osborn
* Graham Henson * Navin Shah (3)
* Thaya Idaikkadar

Representatives of HTCC: Ms L Snowdon

Representatives of UNISON: * Ms D Hattam * Mr S Compton
* Ms L Ahmad
* Mr D Butterfield

Representatives of GMB: * Mr S Karia

* Denotes Member present
(1) and (3) Denote category of Reserve Members

114. Attendance by Reserve Members

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

Ordinary Member

Councillor Jean Lammiman
Councillor Bill Stephenson

Reserve Member

Councillor Barry Macleod-Cullinane
Councillor Navin Shah

115. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 7 – Information Report – Xcite Graduate Programme; Agenda Item 8 – Information Report – Revenue Budget and Medium Term Financial Strategy 2013-14 to 2016-17 and Draft Capital Programme 2013-14 to 2016-17; Agenda Item 9 – Information Report – Dignity at Work Appeal Hearings Case Review; Agenda Item 10 – Review of the Terms of Reference for the Employees’ Consultative Forum; Agenda Item 11 – Information Report – Employment of 16 to 24 Year Olds; Agenda Item 12 – Employees’ Side Report on Formal Trade Dispute – Waste Services; Agenda Item 13 – Management Response to Unison Report – Formal Trade Dispute Waste Services.

Councillor Bob Currie declared a non-pecuniary interest in that he was a member of Unison and his son was an employee of the Council. He would remain in the room whilst the matters were considered and voted upon.

Councillor Graham Henson declared a non-pecuniary interest in that he was a member of the Communication Workers Union and he had a cousin who was an employee of the Council. He would remain in the room whilst the matters were considered and voted upon.

Councillor Barry Macleod-Cullinane declared a non-pecuniary interest in that his sister was an employee at Hatch End High School and that he was an employee of London Councils Ltd. He would remain in the room whilst the matters were considered and voted upon.

Councillor Navin Shah declared a non-pecuniary interest in that he was a member of the GMB Union. He would remain in the room whilst the matters were considered and voted upon.

Councillor Sachin Shah declared a non-pecuniary interest in that he was a member of Unite the Union.

116. Minutes

RESOLVED: That the minutes of the meeting held on 15 October 2012 be taken as read and signed as a correct record subject to amending Deborah Hattam’s name to be spelt correctly.

117. Petitions, Deputations and Public Questions

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

RECOMMENDED ITEM

118. Review of the Terms of Reference for the Employee Consultative Forum

An officer introduced a report which set out proposals for changes to the Forum's Terms of Reference, which included reducing Forum meetings to twice a year and establishing a new Sub-Group to meet six times a year.

The officer reported that:

- a Working Group had been established to review the Forum's Terms of Reference. This Working Group was made up of Trade Union representatives, Councillors and Officers;
- the Working Group believed that it was important to ensure that all issues that were usually presented to the Forum were reviewed in more detail and produce agreed outcomes;
- the Working Group also believed that it was important that meetings between the Trade Unions and the Council were more frequent to ensure that outcomes were facilitated in a shorter space of time;
- the report enclosed the proposed Terms of Reference for the Forum and the proposed Sub-Group.

The Vice-Chair of the Forum commented that the proposals had been developed in agreement with the political groups and the Trade Unions. These proposals ensured more fluidity and flexibility in being able to resolve issues between the Trade Unions and the Council.

In response to queries raised by Members of the Forum, officers responded as follows:

- reference to a change being required due to some discussions in the public not being good for the Council's reputation related to the perception provided at meetings. Whilst it was believed that there was good robust debate at meetings and a good relationship between the Council and the Trade Unions, any independent observers may believe that there was total conflict despite this not being the case. Some Members of the Forum commented that there was a good level of debate at meetings and that the Forum played a vital role in the relationship between Trade Unions and the Council. This ultimately improved the services delivered to residents by the Council;
- although it was noted that attendance at the Sub-Group may be difficult for Members who worked during the day, it was envisaged that attendance would be made up from the pool of Members on the Forum and that for each meeting there would always be a Member able to attend. Some Members commented that despite this response, some Members would not be able to attend during the day; and would limit the pool of expertise Members provided;

- action points would be produced from the Sub-Group meetings. These would then be reported to the Forum. The meetings of the Sub-Group did not specify that these meetings would be held in public but this could be investigated. It was not intended to recreate formal Forum procedures as part of these Sub-Group meetings.

A Member of the Forum commented that it was important that the outcomes from the Sub-Group were a matter of public record. It was important that the outcomes were reported publicly to ensure that they could be scrutinised accordingly. The Member believed that further work was therefore required on the Terms of Reference of the Sub-Group and should be reported back to a future meeting of the Forum. The Vice-Chair of the Forum commented that this suggestion highlighted the reasons why a change was required. Quicker outcomes were required and action points from the Sub-Group could always be published publicly.

An officer responded that the outcomes would be formally reported to the Forum at its meetings. Additionally the issues raised by the Member did not require an alteration to the Terms of Reference but were rather procedural issues to resolve. This could be further considered if required.

Resolved to RECOMMEND: (to Cabinet)

That the proposed changes to the Terms of Reference of the Employees' Consultative Forum be agreed.

(Councillors Camilla Bath and Barry Macleod-Cullinane wished to be recorded as having voted against the recommendation).

RESOLVED ITEMS

119. INFORMATION REPORT - Xcite Graduate Programme

An officer introduced a report which set out information relating to the performance of the Xcite Gradplan which provided unemployed graduates into work placements and support into employment.

The officer reported the following:

- the Gradplan was part of a number of employment programmes run by the Council. Funding had been obtained from Job Centre Plus. This amounted to £48,000 and was paid on the basis of costs and outcomes;
- this was one of the only projects running in London. The purpose of the programme was to provide graduates with work experience;
- during the training provided, graduates were provided with training opportunities and able to develop skills in relation to IT, minute taking and report writing;

- the intake for this programme had been split into 3 rounds. The economic development unit had implemented a novel way of matching graduates to placements. This involved 'speed dating' events allowing managers an opportunity to outline the placement on offer and graduates an opportunity to state how their skills best met the needs of the placement;
- the range of paid employment secured by graduates involved in the programme included 16 in local government. In addition to this graduates had also obtained a range of different jobs in other sectors.

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

- all graduates who had been involved in the programme had obtained full time employment;
- the programme only offered work experience not employment. Therefore graduates involved in the programme were not performing the duties of full time staff;
- there was no impact on re-deployees if a graduate was on placement in a relevant service area.

RESOLVED: That the report be noted.

120. INFORMATION REPORT - Revenue Budget and Medium Term Financial Strategy 2013-14 to 2016-17 and Draft Capital Programme 2013-14 to 2016-17

The Forum received a report setting out the Council's proposals for the budget and Medium Term Financial Strategy 2013-14 to 2016-17 and also the Draft Capital Programme 2013-14 to 2016-17 for consultation.

The Corporate Director of Resources introduced the item by conducting a presentation which consisted of several themes.

Revenue Budget

The Corporate Director of Resources reported that:

- the Comprehensive Spending Review in 2010 had been the most challenging funding settlement in decades;
- the Council had been required to make a 28% cut in its controllable budget over 4 years;
- several more years of reductions to the Council's budget were expected;

- the Council were experiencing growth pressures including demographic changes impacting on social care and school places;
- there was a historically low level of grant funding provided to the Council;
- under funded services had recently been transferred to the Council including Council Tax Support and Social Funds, adding further pressure to the Council's budget;
- the proposed budget had been guided by the Corporate Priorities. In addition to this the budget reflected 5 key principles which included continuing to make savings in the civic centre and ensuring the services residents cared about were protected from drastic cuts;
- at the time the December Cabinet draft Budget report was written, the Council had a funding gap of £5.2 million for 2013-14 and £3.3 million for 2014-15. However for the following 2 years after this, the funding gap increased significantly;
- the draft Budget requirement for 2013-14 was approximately £181 million. This figure took into account budget pressures, technical changes and an increase in Council Tax;
- some of the budget pressures included a reduction in Government Grants by £8.5 million, a contingency of £1 million and an extra £1 million to deal with anticipated homelessness;
- some of the budget reductions included a reduction in Adults Contract Management by £1.3 million and a reduction as part of the PRISM project by £1.5 million.

Capital Programme

The Corporate Director of Resources then presented information relating to the Council's Capital Programme. The Corporate Director explained that the Council was planning to reduce overall Capital spending consistent with the reductions in revenue budget. The planned Capital Programme involved spending on IT infrastructure, Schools and investment in the Town Centre.

The Corporate Director of Resources reported that the Council was conducting a significant amount of work to reduce the funding gap. This included reviewing all major contracts, reviewing growth proposals and aggregating services.

The Corporate Director also reported that a balanced revenue budget would be presented to the February Cabinet Meeting for recommendation to full Council. As Section 151 Officer, she believed that although this was not without risk, sensible and reasonable assumptions had been made.

Implications Relevant for the Forum

The Corporate Director then presented information on staffing implications which was relevant to the interests of the Forum. It was reported that:

- the budget had made an assumption for a 1% pay increase for 2013/14 and 2014/15 with a 2% increase from 2015/16, in line with the Government's public sector pay policy. Increments paid on top of the pay award had also been taken into account;
- Employer Pension Contributions would be increased by 0.25% in 2013/14 and then the MTFS assumed increases of 0.5% per annum from 2014/15 after the triennial actuarial review. The next triennial review valuation was in March 2013 and the revised contribution rate would take effect from 2014-15;
- the Council had renegotiated with its entire staff on their contractual terms and conditions. This had been implemented in January 2013;
- the Council would be introducing mobile and flexible working which would provide beneficial impacts for staff and the Council;
- there would be a reduction in the numbers of agency staff employed;
- the Council would be introducing a ½% vacancy management saving;
- the Council had established joint legal services and public health arrangements with Barnet Council;
- the implementation of SNT III would also have staffing implications;
- there were a number of ongoing projects which would have staffing implications. This included the Cultural Strategy Review, the Environment and Enterprise Restructure and Transformation in the Finance Service;
- all staff that could potentially be impacted on by any of the proposals in the budget had been informed. In addition to this all Council policies and procedures including the Protocol for Managing Organisational Change would apply throughout;
- the Trade Unions had been briefed on the proposals at DJC meetings;
- it was anticipated that the final Local Government Finance Settlement would be confirmed on 13 February 2013. In the meanwhile the Council were performing a number of actions to close the funding gap which included reviewing major contracts, reviewing growth proposals and aggregating services;

- Cabinet would be reviewing the final proposed budget at its meeting on 14 February 2013 with Full Council making its final decision on 28 February 2013.

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

- the proposal relating to a reduction in the use of agency staff also related to the number of consultants and interims used by the Council. It was noted that it was felt that this should have been made more explicit;
- details were needed of any cases which Members of the Forum believed demonstrated that people made redundant by the Council were then employed as consultants or interims. However it had to be noted that the Council was under obligation to employ those who were best equipped for the job;
- the Administration of the Council had provided guidance to officers on how the funding gap was to be met. The report that would be presented to Cabinet in February 2013 would present a balanced budget for the next financial year and for 2014-15. Funding challenges still remained for the subsequent years after this;
- the Corporate Director, in her role as Section 151 officer, believed that the budget was deliverable. However it was acknowledged that there were risks in the budget, but these risks were understood by the Council as a whole;
- staff who would be affected by the proposals in the budget had been told informally. A formal and legal process of consultation, where necessary and appropriate, would then take place after this;
- discussions relating to the potential impact on staff arising from the proposals in the budget had taken place with the Trade Unions at DJC meetings;
- it was important for the Council to ensure that no member of staff was made aware of any impacts on their role other than being told directly by their manager. This was not intended to replace formal consultation, which would be conducted legally and properly;
- in relation to a query on procurement related pressures due to a change in market price and profit share for dry recyclables, when the procurement arrangements were set last year it made significant savings. However in setting the budget, a new contractual arrangement had to be entered into which had a lower price per tonne, creating an adverse impact. This was due to market conditions;
- Trade Waste services within the Council were operating at a loss. Members had therefore proposed that Trade Waste Services be

discontinued. Relevant figures relating to this proposal would be provided to the Trade unions once the Council was in a position to share them. The Trade Unions would also send to the Corporate Directors, evidence that they had obtained indicating that revenue from Trade Waste was being used for other purposes;

- it was estimated that there would be approximately 220 to 230 Full Time Employment (FTE) releases from the Council. This approximately comprised of 60 FTE releases in the Resources Directorate, 70 in Environment and Enterprise, 23 in Children and Families Directorate and 70 in the Community, Health and Well Being Directorate;
- the Council always offered support to those staff that were at risk of redundancy. The level of support would significantly increase once formal consultation had commenced on any proposals;
- agency staff had been use in situations where a known reduction in levels of staffing was due to take place. This ensured that employees of the Council were not made redundant when staffing reductions took place;
- an overspend in the Procurement Team had been as a result of extra investment to strengthen the resilience and expertise of the Team to deliver corporate efficiencies and savings. Extra revenue had been required to maintain interim support for the team for a longer period than had been initially envisaged;
- the money within the Transformation and Priority Initiatives Fund could assist in funding the costs of change and redundancies if required;
- an Equality Impact Assessment had been prepared and produced as part of the final budget proposals. This would be appended to the final report to Cabinet in February 2013;
- the intention of the informal talks with staff was not to replace formal consultation but rather to ensure that they were fully informed and supported. This had been requested by the Corporate Strategy Board. The Council had additionally done some work on an online redeployment pool which also provided access to vacancies in other Local Authorities across London.

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

- there was concern that the Trade Unions had not been advised formally of other reductions in staffing levels other than the PRISM project. This was refuted by the officers present;

- it was important to know the number of FTE releases as part of the budget proposals to ensure that the Trade Unions could plan and support their members;
- there was concern that the budget proposals would have a detrimental impact on the community, especially in relation to dealing with Hate Crime;
- there was concern that there would be a high level of stress and lower morale amongst staff as a result of the budget proposals;
- there would be a number of job losses within the Council. This should have been made more apparent in the report. One Member of the Forum commented that this had already been provided at previous DJC meetings;
- further information was requested on the rent paid by Unison to the Council from its budget of £57,000. This figure together with the reduction in Trade Union Facility time meant that it would cause difficulties for Unison to fully support all of its 2500 members.

RESOLVED: That the report be noted.

121. INFORMATION REPORT - Dignity at Work Appeal Hearings Case Review

The Divisional Director of Human Resources and Development and Shared Services introduced a report which set out the outcomes and conclusions reached by a working group which reviewed previous Dignity at Work Appeal Hearing cases. The Divisional Director reported that this review had been conducted at the request of the unions. The working group had reviewed 5 cases selected by the unions.

A Member of the Forum reported that there were a number of issues that they had highlighted:

- the outcomes reached in each of the cases had been supported by the working group;
- there was concern in relation to the timescales for Dignity at Work cases. The working group believed that if timescales were not deliberately adhered to, this could result in conduct issues;
- the working group believed that cases which related to restructures should not be dealt with under the DAW procedure but dealt with as part of the restructuring process;
- the working group believed that paperwork should be submitted in chronological order;

- the initial letter to employees relating to conduct cases was sometimes ambiguous. It was important for letters to be clear so that there was full clarity regarding allegations etc.

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

- the unions supported the view that if timescales were not adhered to by management if they deliberately missed timelines, they should be subject to conduct procedures;
- there were sometimes genuine reasons as to why there were delays in the DAW process caused by both sides;
- more clarity was required on the ownership of actions arising out of DAW appeals.

RESOLVED: That the report be noted.

122. Review of the Terms of Reference for the Employee Consultative Forum

RESOLVED: That the Employees' Consultative Forum Employment Sub-Group be established with the Terms of Reference contained at Appendix 1 to these minutes.

123. INFORMATION REPORT - Employment of 16 to 24 Year Olds

The Forum received a report which provided comparative figures from other authorities on the employment of 16 to 24 year olds, their career grade posts and analysis on their barriers to the recruitment and employment.

The Divisional Director of Human Resources and Development and Shared Services reported the following:

- the Forum had previously requested information on this subject to be presented to this meeting;
- Harrow's percentage of employees aged 16 to 24 of 2.1% fell in the first quartile of all the London Boroughs, and the first quartile for outer London;
- the proportion of Harrow employees aged 16 to 24 had risen and this trend appeared to be continuing;
- 66 employees, who were aged between 16 to 24, were in career graded posts;
- the reason for relatively few staff being on career graded posts included issues in the turnover and age of workforce, workforce reductions and restructures;

- there were a number of barriers to the recruitment of 16 to 24 year olds. This included legislation which provided that appointments to roles had to be based on merit. Therefore those without work experience were more likely to be disadvantaged;
- the Equality Act also meant that employers were not permitted to discriminate on the grounds of age to employ people;
- the Labour Job climate was currently difficult. This meant that those who had experience were at much more of an advantage;
- proportionally Harrow had the lowest number of young people Not in Employment Education or Training (NEET) figure in London;
- the Government had funded schemes to support the employment young people through the Future Job Fund where the wages were funded by the DWP;
- due to the current national economic climate, there were currently fewer job opportunities within Harrow Council.

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

- it was important for the Council to have an appraisal system and identify development needs;
- opportunities for young people with disabilities should always be encouraged.

RESOLVED: That the report be noted.

124. Exclusion of the Press and Public

RESOLVED: That in accordance with Part I of Schedule 12A to the Local Government Act 1972, the press and public be excluded from the meeting for the following item(s) for the reasons set out below:

<u>Item</u>	<u>Title</u>	<u>Reason</u>
12 and 15	Employees' Side Report on Formal Trade Dispute – Waste Services and Appendices	Information under paragraph 4 (contains information relating to negotiations in connection with a labour relations matter between the authority and its employees).
13 and 16	Management Response to Unison Report: Formal Trade Dispute Waste Services and Appendices	Information under paragraph 4 (contains information relating to negotiations in connection with a labour relations matter between the authority and its employees).

125. Employees' Side Report on Formal Trade Dispute - Waste Services and Management's Response

The Forum received an Employees' side report relating to a formal trade dispute. A representative from Unison introduced their report and made the following points:

- members of staff in the Waste Service faced redundancy as a result of the PRISM project within the Environment directorate;
- Unison had used all internal processes complying with the terms of the recognition agreement in attempts to resolve this Trade Dispute. Meeting marked the final stage of the internal process before a decision was made whether to externally refer the matter to the Joint Secretaries in the prevention of possible industrial action;
- Unison were asking the Forum to support a recommendation that aborted the planned staffing reduction in the Waste Service on the grounds that the Council did not engage in meaningful consultation and did not identify any such particular staffing impact within the accompanying Equalities Impact Assessment (EqIA);
- Unison had a number of comments in relation to the response provided by management to their report. In relation to failing to consult, Unison believed that the management rebuttal relied on the identification of consultation processes that took place after the formal Outline Business Case (OBC) consultation process in May 2012. The OBC stage was the formal stage of consultation prior to any decision being made;
- the formal consultation process commenced on 3 May 2012 and continued until 17 July 2012. This consultation potentially impacted the Waste Service and related to the Alternative Delivery Model (ADM) through a Transfer of Undertakings or TUPE. Unison believed that the Waste Service did not feature in PRISM planning at this stage;
- Unison believed that the formal consultation process had not outlined any reductions in staff or potential redundancies in the Waste Service as its focus was TUPE;
- Unison believed that the management report contained no documentary evidence to substantiate or produce a set of minutes within the formal consultation period that made reference to the deletion of 12 staff and 4 vehicles in the Waste Service prior to the production of the FBC consultation stage;
- Harrow Council followed ACAS Codes of Practice in relation the correct implementation of employment law including consultation. Unison believed that the ACAS website confirmed that consultation "involves taking account of as well as listening to the views of employees and must therefore take place before decisions are made". It further stated

“Making pretence of consulting on issues that have already been decided is unproductive and engenders suspicion and mistrust about the process amongst staff”.

- Unison believed that management had not duly followed ACAS practice and had disregarded Section 15 of the Recognition Agreement which declared that proper consultation with the staff and union would occur before decisions were taken;
- Unison also believed that the Council could face a breach of the Collective Agreement governing the Waste Service which forbid unilateral decisions on service personnel and standards with over a hundred potential breaches of contract claims;
- the management report confirmed Unison’s belief that the EqIA did not reference the Waste Service group;
- Unison believed that the PRISM EqIA failed to identify any potential staffing impact;
- Unison believed that the EqIA management were relying on which was submitted for Cabinet decision in September 2012 was irrelevant. Unison believed that the EqIA made numerous and irrelevant references to ADM adoption and TUPE transfer should employees transfer to another employer. Unison believed that they had been refused access to any input, consultation and engagement on it.

The Divisional Director of Environmental Services addressed the Forum and made the following points:

- Unison had been fully consulted on the PRISM report;
- there was clear evidence that prior to the original Cabinet decision on 13 September 2012, consultation documents were sent to the trade unions on 3 August 2012 with a consultation close date of 28 August 2012;
- submissions were provided in response to this consultation opportunity by Unison and GMB;
- the consultation phases on PRISM continued with the consultation on the structure proposals that closed on 14 December 2012;
- whilst it is accepted that EqIA did not make a specific reference to refuse employees as a separate group, it was made clear in the 13 September Cabinet report that the EqIA was a living document that would be updated at appropriate stages in the project when any impact on staff or the public was anticipated;
- at the stage the EqIA was prepared there were potentially over 500 posts in the Environment and Enterprise Directorate affected by the

PRISM project. The EqIA identified that, at that stage, the consultation had not indicated a particular impact on different equality groups;

- the EqIA also stated that if, during the consultation process, any impact was identified proposals would be reviewed and steps taken to mitigate against any adverse impact;
- the project team had stated regularly that a new EqIA would be prepared following consultation on the structure when the impacts on specific groups of employees would be more predictable;
- this EqIA was in development and would be presented to the Equalities Group meeting on 4 February 2013;
- following the Directorate Joint Committee, the Corporate Director wrote to UNISON on two separate occasions to state that whilst not accepting the points made by Unison, she was keen for the development of the efficiency proposals for the refuse service to take place with full engagement and involvement with the staff involved and the trade unions.

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

- there had been a significant amount of consultation with the Trade Unions on the PRISM project which was looking at an alternative delivery model for providing services;
- it was correct that the EqIA that was presented to Cabinet considered all options available;
- officers had received responses to all correspondence they had submitted which added further proof that the Trade Unions had been consulted on the proposals.

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

- it was difficult for the Trade Unions to comment on the Final Business Case without a fully prepared EqIA;
- a distinction had to be made between commenting on an issue and responding fully to a consultation document;
- no formal set of minutes from any meeting had been presented to the Trade Unions within the formal consultation period where it had been suggested to them that redundancies would occur in the Waste Service;
- Section 15 of the recognition agreement between the Council and Unison provided that the Council would have proper consultations

enabling feedback and discussions before decisions were taken on matters concerning staff. Unison believed that the Council had not complied with this provision.

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

- it was not believed that the EqIA had referenced any specific work group within the Council;
- the Call-in Sub-Committee had considered the PRISM project and had considered consultation with stakeholders and whether or not there was adequate evidence on which to base the decision. The only factor which the Sub-Committee asked Cabinet to re-consider was the insufficient consideration of legal advice. This was important to note.

During the discussion on this item, the Forum did not extend the guillotine. At 10.30 pm the Chair declared the meeting closed with no formal resolution being made by the Forum.

126. Appendices to Employees' Side Report on Formal Trade Dispute - Waste Services

RESOLVED: That the exempt appendices be noted.

127. Appendices to Management Response to Unison Report: Formal Trade Dispute Waste Services

RESOLVED: That the exempt appendices be noted.

(Note: The meeting, having commenced at 7.30 pm, closed at 10.31 pm).

(Signed) GARY MARTIN
Chairman