

# EMPLOYEES' CONSULTATIVE FORUM MINUTES

## 28 JANUARY 2014

**Chairman:** \* Councillor Paul Osborn

**Councillors:** \* Mrs Camilla Bath \* Thaya Idaikkadar  
\* Bob Currie \* Barry Macleod-Cullinane  
\* Graham Henson \* David Perry

**Representatives of HTCC:** Ms L Snowdon

**Representatives of UNISON:** \* Mr D Butterfield \* Mr G Martin  
\* Mr S Compton

**Representatives of GMB:** † Ms P Belgrave

\* Denotes Member present

### 136. Attendance by Reserve Members

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

The Chair welcomed all present to the meeting, and thanked the Forum for agreeing to the later start of the meeting in order to allow Members to attend the Holocaust Memorial event, which had taken place earlier in the evening. He announced that in view of the late start, the meeting would adjourn following consideration of Agenda Item 7.

### 137. Declarations of Interest

**RESOLVED:** To note that the following interests were declared:

## All Agenda Items

Councillor Bob Currie declared a non-pecuniary interest in that he was a former member of Unison. He would remain in the room whilst the matter was considered and voted upon.

Councillor Graham Henson declared a non-pecuniary interest in that he was a member of the Communication Workers Union, and had a cousin who worked for the Council. He would remain in the room whilst the matter was considered and voted upon. He had also served as the Portfolio Holder with responsibility for health and safety matters. He would remain in the room whilst the matter was considered and voted upon.

### Agenda Items 9 and 10 – Employees’ Side Report on Negotiating an Amendment to the Modernising Collective Agreement Redundancy Section in the Protraction of Processing Voluntary Redundancy Requests and Inconsistent Treatment of Staff; and Management Response

During the meeting, Councillor Graham Henson declared a non-pecuniary interest in that he had been involved in the negotiations for the Collective Agreement, and had been the Portfolio Holder when they were agreed. He would remain in the room whilst the matter was considered and voted upon.

#### **138. Minutes**

**RESOLVED:** That the minutes of the meeting held on 9 October 2014 be taken as read and signed as a correct record.

#### **139. Public Questions, Petitions and Deputations**

**RESOLVED:** To note that no petitions were received, questions put or deputations received.

### **RESOLVED ITEMS**

#### **140. Information Report - Draft Revenue Budget 2014/15, Medium Term Financial Strategy 2014/15 to 2016/17 and Capital Programme 2014/15 to 2017/18**

The Forum received the report of the Director of Finance and Assurance which set out the Council’s proposals for the draft Revenue Budget 2014-15, Medium Term Financial Strategy (MTFS) 2014-15 to 2016-17 and the draft Capital Programme 2014-15 to 2017-18.

The Director of Finance and Assurance informed the Forum that this report had been considered at Cabinet on 12 December 2013, would be brought back to Cabinet on 13 February, and would be taken to Council for decision on 27 February. He added that some figures contained within the report were now out of date and would be corrected in the light of more up-to-date information.

He reminded Members of the continuing economic factors and demographic pressures influencing budget decisions and outlined the following points:

- Harrow has one of the lowest government grants in London;
- funding for local government has been reduced while demand for Council services has increased;
- the budget has been guided by the administration's corporate priorities;
- the impact of welfare reform has not been severe as expected, and provision to counter this has been reduced.

The Director of Finance and Assurance then provided responses to questions from Employees' Side representatives.

- In answer to a query on whether the projected savings identified in Children's Residential Care took into account the loss of revenue which would result from a reduced service, he explained that the savings were net and had been calculated taking all other factors into account.
- A representative queried the wording in respect of a Public Realm item on 'early termination of vehicles'. It was noted that this was a delayed saving, and that the item could have been better worded to reflect this.
- In response to a request for clarity on an Environment and Enterprise item, 'additional transitional management roles', he explained the background to decisions taken, which had differed to the actions originally agreed, and agreed to provide a written response to Unison members. It was noted that this issue had been discussed at a meeting of the Overview and Scrutiny Committee the previous week.
- In response to a question about what provision the Council would make as a 'buffer' for those residents affected by welfare reform, he confirmed that a contingency fund had been identified in advance of the welfare reforms being implemented, but that this had been underspent. This had not been intended as a permanent measure, and current advice suggested that it would not be necessary in 2014-15. In his opinion, there were sufficient contingency reserves in place which could be drawn upon without requiring a specific fund.
- In respect of a planned pay claim by Unison of an increase of £1.20 per hour, he stated that the budget modelling assumed a pay increase of 1%. It was noted that any pay awards would be negotiated and agreed nationally.
- He agreed to share a reconciliation table demonstrating the increase in deficit for the municipal year 2016-17.

Members then discussed the reconfiguration of the Meals on Wheels Service and how best to take it forward in a self-funding and sustainable model. A Member offered to meet and explore options with Employees' Side representatives.

Members also discussed proposed savings through procurement, and whether these had been or would be realised. The Director of Finance and Assurance stated that as the new Head of Procurement had been recently appointed and was still appointing his team, it was too early to assess the performance of the team. A representative asked if it was possible to compare the cost of the service against savings achieved.

The Forum discussed bad debt provision in the budget and the category and duration of bad debts. The recovery of some debts was not cost effective, and vulnerable debtors had to be dealt with sensitively.

The Director of Finance and Assurance noted that government had transferred some responsibilities to local authorities but with a lower level of funding than had previously been allowed. A 'new burdens doctrine' had been produced to provide guidance. A representative asked if these extra duties had had a significant impact on the budget. The Director agreed to share details of the changes with Unison.

A representative commented that over 80% of Council employees were also Harrow residents, and that any planned reductions in the workforce would therefore have a significant socio-economic impact beyond the immediate impact of loss of jobs. The Chair acknowledged that this was a factor in determining whether jobs should be outsourced. The Divisional Director of HR and Development and Shared Services added that there was a formula for assessing the wider costs of changes to the workforce.

Finally, the Director of Finance and assurance confirmed that Equality Impact Assessments (EqIAs) had been undertaken where necessary among the 67 changes to the original budget.

**RESOLVED:** That

- (1) the report be noted;
- (2) the Director of Finance and Assurance will provide the following to Employees' Side representatives:
  - a written response on the item 'additional transitional management role';
  - a reconciliation table demonstrating the increase in deficit for the municipal year 2016-17;
  - the 'new burdens doctrine' and details of responsibilities transferred from government and their likely impact on the budget.

The meeting then adjourned, and it was agreed to reconvene at 7.30 pm on Monday 3 February in order to consider the remaining business on the agenda.

#### **141. Information Report - Part 2 of Annual Equality in Employment Report for 1 April 2012 - 31 March 2013**

The Forum received the report of the Divisional Director, HR and Shared Services, which was a follow-up to the equalities employment data provided to the Forum in October 2013, and which set out analysis of that data together with an action plan to address the priority issues.

The Organisational Development Manager outlined the key findings, including the following:

- under-representation of certain, defined categories among the workforce, as compared with the local demographic;
- under-representation of certain, defined categories within higher pay bands;
- over-representation of BAME staff undergoing conduct procedures;
- over-representation of staff with disabilities undergoing conduct procedures;
- the accuracy and completeness of data collected, and in comparison with different surveys;
- variations in the proportion of appointments from certain, defined categories compared to their proportion of applications;
- variations in the proportion of successful requests for redeployment.

In response to queries about staff undergoing conduct procedures, the Organisational Development Manager confirmed that any staff who had not reached the top tier of their pay grade would suffer financial detriment as a result of receiving warnings. A Member queried whether the number of warnings could include multiple warnings for an individual, or represented separate instances, but it was not possible to determine this from the figures. The Organisational Development Manager noted that the number of formal warnings in the year (20) across a workforce of 5.125 employees was not a significant number. Nevertheless the trend over a number of years was that the greater proportion of warnings relate to BAME staff. The Chair gave his view that this greater proportion of BAME staff within this category was a matter of concern and should be investigated.

The Forum then considered issues in relation to training and asked for clarification as to what was included in the definition, and whether the figures quoted represented a true picture and gave genuine cause for concern. Noting that e-learning was not included, the Chair suggested that all training

statistics should be captured, and that the Employment Sub-Group should consider the definition of training.

An officer commented that key priorities had been integrated within a single Corporate Plan, and that many activities would address multiple issues, for instance, actions in respect of recruitment could improve the under-representation of more than one group. However, she advised that current low levels of recruitment would limit the scope for improvement. The Chair suggested that HR officers consider the timelines for actions and prioritise tasks in line with key priorities.

The Forum also considered the proportion of staff with disabilities among the numbers undergoing capability procedures, and whether sufficient support was in place for the individuals concerned. It was noted that disability figures were likely to increase with an ageing workforce, although this alone did not explain the discrepancy between disclosure of disability at recruitment stage and figures captured as a result of different procedures or surveys.

The Forum discussed possible reasons for the discrepancies in reporting disabilities, and the conflicting needs of the organisation to be aware and pro-active when addressing disability issues, and the individual in choosing to protect their privacy. It was accepted that managers could not implement reasonable adjustments if they were unaware that a disability existed. The Chair concluded that policies should be re-visited if it was clear that there were problems, and asked for input from both officers and Employees' Side representatives in order to get a clear understanding of the issues.

The Forum considered the Action Plan, and in particular the following points:

- timetables for review of policies and procedures and the need to synchronise the work on specific equalities actions with this work;
- timescales for actions and the achievability of these
- incorporating a commentary and including milestones and RAG ratings for each action;
- the frequency and quality of departmental equality group meetings.

In response to a comment by employee representatives the Organisational Development Manager informed the Forum that the appraisal system was being modified, with a view to replace the IPAD scheme with a process that would be valued by the organisation and employees. There was no intention to include performance related pay in any new scheme. In response to an Employees' Side query on the link between appraisal, capability and incremental progression, she replied that this would be considered in the review taking place of both the Capability procedure and the application of incremental progression in context of warnings.

Finally, the Forum discussed the low take-up of equalities induction training, what it comprised, and realistic timescales for its completion, given that many staff did not have access to e-learning components.

**RESOLVED:** That the report be noted.

**142. Employees' Side Report on Negotiating an Amendment to the Modernising Collective Agreement Redundancy section in the Protraction of Processing Voluntary Redundancy requests and Inconsistent Treatment of Staff and Management Response**

The Forum received a report from Unison, together with the management response, on issues arising from changes to the Council's redundancy scheme due for implementation on 1 April 2014, and the consistent application of redundancy procedures to employees at all grades.

The Vice-Chair introduced the Unison report, and reiterated the request that section 7.3.2 (Redundancy Payments) of the Collective Agreement be suspended and re-negotiated. He cited examples which he believed demonstrated inconsistency in how redundancy procedures were being applied across staff grades, with apparent preferential treatment being given to staff on senior grades. He added that his members had little faith in the redeployment process, and reminded the Forum of the Council's written commitment to fairness for all staff.

He stated that restructures in the Residential Day Service and Meals on Wheels Service had been agreed in 2013, and many lower grade staff would be losing their jobs but would receive less in redundancy payments as implementation had been delayed until after 1 April 2014.

The Divisional Director, HR and Shared Services, stated that while redundancy was a corporate matter, an organisational restructure affecting staff was a matter for departmental directorates to determine. Prior to the introduction of the Collective Agreement, it had been obvious that redundancies would occur both before and after, and that, inevitably, staff would be treated differently according to when a redundancy took place. In respect of voluntary redundancy, staff at risk were given the necessary information to make an informed decision, but ultimately agreement was at the discretion of the Council. He did not consider that Unison's case provided valid grounds for varying the Collective Agreement, but did acknowledge that support for redeployment might not be consistent across all Council departments. Over 50% of those at risk of redundancy had been redeployed in 2012/13, which was a considerable achievement, but it should be recognised that lower grade staff often had fewer transferable skills, and were therefore more difficult to place.

He advised the Forum that agency staff were used to fill a number of vacant posts until decisions were made about budgets and staffing levels.

Members considered whether the application of redundancy procedures was consistent across the Council, and whether it was advisable or desirable to vary any part of the Collective Agreement. They agreed that the agreement should not be re-visited, either wholly or in part, but were concerned that staff should be treated fairly and consistently across the organisation, and suggested that individual cases could be looked at to establish whether disadvantage had occurred.

The Chair stated that as a formal request had been received from the Employees' Side, the matter should be put to the vote. He reminded Members that, in order for a recommendation to be made to Cabinet, a majority of elected members would have to agree the motion.

The Chair read out the Employees' Side statement, namely:

"Unison formally requests that, in accordance with section 6 (Variations to this Agreement), paragraphs 3 and 4 are suspended immediately, and re-negotiated until such time that no staff are disadvantaged or are treated unfavourably within redundancy and change processes.

This was put to the vote, and it was

**RESOLVED:** That the motion be not carried, and that no recommendation be made to Cabinet to suspend any part of the Collective Agreement.

Members then discussed how best to convey their concerns that staff should be treated fairly and consistently, and in line with Equalities requirements, within redundancy and change procedures, and it was

**RESOLVED:** To note that the Forum believes that procedures should be applied consistently across the organisation at all grades, and that Corporate Directors should be mindful of the potential impact that changes to the redundancy scheme after 1 April 2014 may have on staff, given the Council's duty of care to its employees.

#### **143. Information Report - Actions Agreed by the Employee Consultative Forum - Employment Sub Group**

The Forum received the report of the Divisional Director, HRD and Shared Services, which provided information on actions agreed at Employment Sub-Group meetings.

It was noted that, in view of the local elections in May, it was not possible to confirm with certainty attendees and future dates for the Employment Sub-Group meetings.

In response to an Employees' Side query about the number of posts in the Waste Service, the Chair commented that the issue dated from 4 years ago and as the relevant personnel were no longer with the Council the discussion was now closed.

The Vice-Chair asked for a response to Unison's request for evidence that consultation had been undertaken on the Library Service as none had yet been provided. The Chair asked for clarity on what had been agreed and proposed that the vice-Chair should liaise with the Organisational Development Manager to resolve the matter.

**RESOLVED:** That the report be noted.

(Note: The meeting, having commenced at 8.30 pm, closed at 9.50 pm).

(Signed) COUNCILLOR PAUL OSBORN  
Chairman