

# EMPLOYEES' CONSULTATIVE FORUM MINUTES

## 17 DECEMBER 2018

<b>Chair:</b>	* Mr D Searles	
<b>Councillors:</b>	* Camilla Bath	* Mina Parmar
	* Philip Benjamin	* Varsha Parmar (4)
	* Pamela Fitzpatrick	* Sachin Shah (3)
	* Angella Murphy-Strachan	
<b>Teacher Representatives:</b>	* Ms L Crimmins	- NUT
	* Ms A Lyons	- NAHT
<b>Unison Representatives:</b>	* Mr D Butterfield	* Mr G Martin
<b>GMB Representative:</b>	* Ms P Belgrave	

\* Denotes Member present  
(3) and (4) Denote category of Reserve Members

### 1. Attendance by Reserve Members

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

Ordinary Member

Councillor Adam Swersky  
Councillor Graham Henson

Reserve Member

Councillor Sachin Shah  
Councillor Varsha Parmar

## 2. Appointment of Chair and Vice-Chair

**RESOLVED:** That

- (1) David Searles (Unison) be appointed as the Chair of the Forum for the Municipal Year 2018-19;
- (2) subject to his agreement, Councillor Adam Swersky be appointed as the Vice-Chair of the Forum for the Municipal Year 2018-19.

## 3. Appointment of Employees' side Representatives

**RESOLVED:** That the following appointments made by Cabinet on 21 June 2018 be noted:

UNISON Representatives: Darren Butterfield, Gary Martin and Davis Searles

GMB Representative: Pamela Belgrave

Teacher Representatives: Louise Crimmins (Nation Union of Teachers), Anne Lyons (National Association of Headteachers), 1 vacancy

## 4. Declarations of Interest

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

Agenda Items 9/10 – Harrow Unison LG Branch and GMB Harrow Branch Report on Housing Directorate/Response to an employees' side report on the Housing Directorate

Councillor Pamela Fitzpatrick declared a non-pecuniary interest in that she was a member of the Unite Union. She would remain in the room whilst the matters were considered and voted upon.

Councillor Varsha Parmar declared a non-pecuniary interest in that she was a member of USDAW (Union of Shop, Distributive and Allied Workers). She would remain in the room whilst the matters were considered and voted upon.

Councillor Angella Murphy-Strachan declared a non-pecuniary interest in that she was a member of the Teachers' Union, NASUWT (The National Association of Schoolmasters Union of Women Teachers). She 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 the Unite Union. He would remain in the room whilst the matters were considered and voted upon.

## 5. Minutes

**RESOLVED:** That the minutes of the meeting held on 17 January 2018 be taken as read and signed as a correct record.

## 6. Petitions, Public Questions and Deputations

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

## RECOMMENDED ITEMS

### 7. Harrow Unison LG Branch and GMB Harrow Branch Report on Housing Directorate

The Forum received a submission from the Employees' side in relation to the management re-structure in the Housing Directorate (agenda item 9). The submission was considered in conjunction with the response report from the Corporate Director of Community at agenda item 10.

The Employees' side representatives presented their report and highlighted the following key aspects, full details of which were set out in their report:

- lack of engagement with the Trades' Unions from the outset of the Review and upon embarking on the DMA process;
- lack of respect for and being dismissive of a member of staff who was part of the Review and held the position of GMB Branch Secretary. In addition, at a Communities Directorate Joint Committee meeting, the Management's reference to "what you mean, Manual Staff" was unacceptable when questioned about the career progression of junior staff and which showed no consideration for the equalities position of a public employer;
- entering into a programme which identified voluntary redundancy without any formal engagement with the Unions. The Employees' side representatives stated that dismissal via voluntary redundancy ought to have triggered a formal consultation process;
- senior officers had ignored the instructions of a Corporate Director to engage with the Unions, which would not have been tolerated if junior members of staff had done the same;
- in order to move forward, the Trades' Unions had engaged in meetings to consider the proposed new structure. However, it became evident that the structure had been designed by Heads of Services rather than the Divisional Director. The Employees' side alleged that this had resulted in protectionism - Heads of Services securing their own positions - and with higher than average salaries compared to others in similar positions. They also expressed concern at the compressed

working hours of these Heads of Services who appeared to opt for a Monday or Friday as their preferred day off instead of a day mid-week;

- benefits of the proposed new structure to customers were not evident and there was no desire to produce a structure that would be beneficial to the customer. In fact, the Review proposal appeared to place customers at risk. Additionally, the impact of the Review would impact adversely on junior members of staff as the majority of the job losses would affect those grades;
- use of unacceptable language on an external website and the resulting reputation damage caused by a senior member of staff. There appeared to have been no action taken against that member of staff for bringing the Council into disrepute;
- lack of respect and dignity given to staff in Housing Needs and some staff had been placed at risk of abuse. This matter was part of an ongoing investigation.

The Employees' side representatives requested that the Administration ensure that the rules of employment had been complied with, and the rules on conduct were followed, and that the salaries in the Housing Directorate were comparable with other areas of the Council in order to ensure parity. Moreover, the Council's finances were tight. Otherwise, the Directorate / Administration would be judged on 'one rule for us and another rule for junior staff who actually delivered the services'. In summary, the Employees' side requested that:

- the structure be designed for the benefit of the Council and not a select group of employees and that a customer focused service be designed which was the requirement of the services itself;
- the person concerned be held to account for the reputational damage to the Council;
- managers be trained to respect and protect both their staff and the public and provide a safe working environment for the public and staff alike.

A Member from the Council-side expressed concern that this matter had come to the Forum and questioned why it had not been resolved at an earlier stage. The Employees' side representatives informed Members that there had not been any early engagement with the Unions who had received the consultation documents at the same time as staff. Members were also informed that the DMA process had been used at Buckinghamshire Council prior to it being applied at Harrow.

The Divisional Director of Housing outlined Management's response to the paper submitted by Unison. The Divisional Director explained why the DMA organisation design tool had been used and drew attention to the relevant paragraph on page 90 of the agenda. He refuted the allegation that a senior member of staff had been disrespectful to the GMB Branch Secretary and that

the member of staff concerned had merely pointed out the misunderstanding of a point at a meeting. He outlined the drivers behind the Review such as: the need to be customer focused; to ensure that the service was fit for the future and was able to meet the challenges in the housing area which had changed considerably and would continue to evolve; financial strength of the HRA (Housing Revenue Account) and to ensure that it was sustainable.

The Divisional Director explained how reference to VR (voluntary redundancy) had arisen and he drew attention to the explanation set out on page 90 of the agenda. He also refuted the allegation that he had refused to meet with the Unions and that his senior team had met with them on numerous occasions to discuss the Review. He acknowledged that the Heads of Services had been involved in the design of the structure, that this was appropriate in order to achieve the right outcome in a service as complex as Housing, and that he had personally led on it from the outset. He did not accept that any Heads of Service had gained an advantage by participating in the Review. The number of Heads would be dropping from 5 to 4 and all had agreed to take on additional work without remuneration. In terms of compressed working hours, he referred to his response report. He confirmed that such arrangements would be reviewed in due course and the needs of the customer were at the 'centre' of the Review.

The Divisional Director briefed Members on the principles of the restructure as set out on page 91 of the agenda. He acknowledged that the term 'general dogsbody' in this context was inappropriate, possibly used by the individual as a self-deprecating remark, and confirmed that the AHAS (Association of Housing Advice Services) had removed it from its website.

The Employees' side and the Divisional Director of Housing expressed differing views on when the VR issue had been raised.

The Council side representatives commented and asked questions as follows:

- the discussion had highlighted inconsistencies and was a 'mish mash' of opinions;
- the issues around VR had not been satisfactorily addressed. Members questioned whether relevant processes, such as Change Management and Recognition Agreement, had been followed in the conduct of the Review;
- whether alternatives to the DMA process been investigated. Members questioned whether officers had investigated the advantages or disadvantages experienced by Councils that had applied the DMA process and whether its application been challenged;
- whether there had been any learning points by senior officers from the use of the DMA tool;
- Members expressed confusion and did not feel that their questions had been satisfactorily answered;

- the overall process appeared to be flawed. The perception amongst Members was that the Recognition Agreement had not been followed;
- it was important that the Unions were consulted from the outset;
- they remained dissatisfied that no actions were being taken in relation to staff that appeared to have damaged the reputation of the Council.

The Corporate Director of Community, the Divisional Director of Housing and the Head of Employee and Customer Relations responded as follows:

- the existing management structure in Housing Services was not at an optimum level or fit for purpose and was unaffordable. The intention was that the DMA tool assist in the establishment of the management layers that an organisation required to achieve its objectives and the decision rights that managers in layers needed to be empowered with to deliver against these objectives. It was not part of the Change Management Policy process of the Council;
- many Councils, such as Hillingdon, Croydon and Tower Hamlets had used the DMA tool. Officers were not aware of any issues arising as a result. Having considered various options, HR had suggested the DMA tool and officers were not aware of problems in using the DMA tool. Not all the recommendations from the use of the DMA tool had been taken forward. The consultation process had recently been launched and the Unions were part of that process and all views would be welcomed.

The Employees' side representatives made the following comments:

- section 15 of the Recognition Agreement stipulated that proposals for change would be discussed at an early stage with the relevant Trades' Unions but this had not happened. VR was considered to be the same as compulsory redundancy. The Employees' side expressed the opinion that legislation had not been complied with;
- officers who were part of the re-structure should not be leading on it;
- working compressed hours amounted to variation of the contract of employment. In response, officers stated that these agreements were not part of the current process but that they had been agreed previously. As a result of a further discussion on this matter, officers undertook to submit a report on the numbers of Council staff working compressed hours;
- not all consultation had been 'open'. An example of a vulnerable member of staff was cited. Officers stated that this omission had been recognised and addressed. Additionally, staff had been informed that Housing Needs would be reviewed the following year but posts were being deleted as part of the current Review. Officers stated that the Review was a review of management and therefore it was right that the top tier of Housing Needs were part of this process. A wider review of

Housing Needs would be carried out the following year. There was no intention to mislead.

The Corporate Director of Community stated that lessons would be learnt and there was a need to move forward on the Review. He suggested a further separate discussion, involving all relevant parties working together with proposals being submitted to a future meeting of the Forum.

Members sought guidance on the way forward as they were dissatisfied with how the process had been conducted with Members requesting that the Divisional Director be instructed to commence the process again. The Head of Employee and Customer Relations advised that any recommendations of the Forum would be referred to the relevant Portfolio Holder.

A representative of Unison stated it was important that the Unions, as the objectors, had the opportunity to make representations to the Portfolio Holder prior to reaching a decision.

**Resolved to RECOMMEND (unanimously):** to the Portfolio Holder for Housing

That the Portfolio Holder for Housing be requested to consider whether due process had been followed in the conduct of the Review in accordance with the Council's Recognition Agreement and that it be noted the Corporate Director of Community would help facilitate a meeting (Unions and management) with the Housing Portfolio Holder prior to the decision being taken.

**Reason for Recommendation:** To ensure that correct processes had been followed. To ensure that the staff had not been affected adversely.

**Alternative Options Considered and Rejected:** None.

#### **8. Response to an Employees' Side Report on the Housing Directorate**

See Minute 7.

### **RESOLVED ITEMS**

#### **9. INFORMATION REPORT - Annual Health and Safety Report and Current Update**

The Forum received a report of the Corporate Director of Community, which summarised the Council's health and safety performance for the year 1 April 2017 to 31 March 2018. The report gave an overview of health and safety for 2017-18 financial year, as well as the last six months' actions. An officer introduced the report and highlighted paragraphs 2.1 – 2.5, including appendix 1, details of which were set out in the report.

The Corporate Health and Safety had gone through a refresh programme and a Corporate Health and Safety Action Plan had been put in place setting out

the short, medium and long term plans. This had been signed off in July 2018 by the Governance, Audit, Risk Management and Standards Committee.

In January 2018, the first Corporate Health and Safety Board was held and chaired by the Corporate Director of Community. A clear steer started to be given to move it forward in partnership with the Unions.

To support the Council's work and commitment to Health and Safety, funding was secured for a Corporate Health and Safety Manager position on a temporary basis (6-9 months). This position, which was expected to be in place in the New Year, would help take forward the Corporate Health and Safety Action Plan.

The report also set out the key current issues being the redevelopment of the depot site, DNP tabled storage (from the recent manslaughter case), putting in place safe operating procedures and a recent housing reception incident.

An officer responded to various questions, as follows:

- the flu vaccination voucher scheme offered to staff in 2014 had continued to be offered to vulnerable members of staff to help maintain staffing levels, however, he would clarify the position with Occupational Health who oversaw the scheme and inform the Member accordingly;
- it was intended to expand on the London Healthy Workplace Charter in Harrow once the basics were in place. The Council had been awarded the first stage of the London Healthy Workplace Charter in 2014, showing commitment in key areas, such as: corporate support, attendance management, physical activity and mental health and well-being;
- work with Occupational Health would continue in order to identify absence/days lost and associated costs. It would help identify trend and whether the Council was improving;
- in relation to the comment that the report did not reflect the reality of incidents, the officer stated that the report provided an overview of incidents but that it would be possible to drill down further in order to identify individuals, particularly in relation to the comment about physical assaults.

Both the Council side and Employees' side representatives made the following comments:

- the need to protect staff within the building as there appeared to be easy access into the building;
- the need to ensure that those working at the Reception Desk, including security staff, were safe from attack. Additionally, there was no form of protection for staff working at the Reception Desk and that a glass screen was required in order to help ensure their safety. A Member related their experience when requiring assistance during out of hours

working and explained that that there was no one available to help as the security staff member was on a break. A Teacher representative referred to the long queues at the Reception Desk during the day which was frustrating. She had wanted to gain access to the restricted part of the building for a meeting. In response, the Corporate Director of Community stated that check and balances were in place and investigation continuing in relation to recent incidents. Various arrangements were being put in place, including the review of security arrangements. The use of body cameras for security staff was being considered. Action Plans were being put in place with the support of the Council's Corporate Strategy Board (CSB) and the Unions were involved in the process. A Unison representative requested feedback on safety measures being put in place by the Directorate;

- the processes that were in place to deal with high risk areas. The Divisional Director of Housing stated that that an appointment system was in place and he undertook to provide details of past and present systems in place to ensure safety of staff;
- more information, such as reasons for referrals, was required on referrals to Occupational Health at paragraph 2.22 of the report. There had been a surge in the number of referrals, particularly in recent months. There was a great deal of information on schools and information broken down by Directorates was required;
- there had been 31 assaults on staff (16 of which had been in the Housing area) and information on the number of prosecutions was required. In response, the Corporate Director of Community undertook to report back on the number of prosecutions.

The Corporate Director of Community undertook to continually improve the presentation of information on the report and welcomed feedback and suggestions to help. The Divisional Director of Strategic Commissioning explained that the HR Service would be brought back in-house from 1 October 2019.

**RESOLVED:** That the report and the comments made in the preamble above be noted.

#### **10. INFORMATION REPORT - Annual Equality in Employment Monitoring Report for 1 April 2017 - 31 March 2018**

The Forum received a report of the Head of Employee and Customer Relations, which set out employee data, presented by protected characteristic for the year ending 31 March 2018, relating to a range of employment matters. The report also set out information on Harrow Council's performance on equalities and the impact of its policies and practices on its employees in compliance with the requirements of the Public Sector Equality Duty set out in the Equality Act 2010 and the Equality Act 2010 (Specific Duties) Regulations 2011.

The Employees' side representatives made the following comments in relation to page 76 of the agenda:

- there was an issue with pay bands and what they felt was a lack of accountability at senior level such as damage to the reputation to the Council;
- there were examples of junior staff with disability/ill-health issues being forced into early retirement.

In response, the Divisional Director of Strategic Commissioning and the Head of Employee and Customer Relations stated that there had been dismissals in the top pay band. They would also be happy to discuss with the Unions the specific examples of 'forced' retirements they had mentioned. They would review some of the figures in the report on page 76 of the agenda as they might not be correct. They noted the suggestion that additional data such as the actual numbers rather than just percentages were required and that it could be presented as exempt business (Part II) if there was any risk of identifying individuals as a result.

**RESOLVED:** That the report and the comments made in the preamble be noted.

#### **11. Date of Next Meeting**

**RESOLVED:** To note that the next meeting of the Forum was scheduled to be held on 30 January 2019.

(Note: The meeting, having commenced at 7.40 pm, closed at 9.55 pm).

(Signed) DAVIS SEARLES  
Chair