

# EMPLOYEES' CONSULTATIVE FORUM MINUTES

## 4 JULY 2012

<b>Chairman:</b>	* Mr G Martin	
<b>Councillors:</b>	Mrs Camilla Bath * Bob Currie Graham Henson Thaya Idaikkadar	Jean Lammiman Paul Osborn Bill Stephenson
<b>Representatives of HTCC:</b>	Ms L Snowdon	
<b>Representatives of UNISON:</b>	† Ms L Ahmad * Mr D Butterfield	† Mr S Compton
<b>Representatives of GMB:</b>	Mr S Karia	

\* Denotes Member present  
† Denotes apologies received

### 91. Appointment of Chairman

**RESOLVED:** To appoint Gary Martin, representing the Trade Unions, as Chairman of the Forum for the 2012/13 Municipal Year.

### 92. Attendance by Reserve Members

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

Ordinary Member

Steve Compton  
Lynne Ahmad

Reserve Member

Davis Searles  
Deborah Hattam

**93. Declarations of Interest**

Agenda Item 9 – Terms of Reference for the Employees; Consultative Forum; Agenda Item 10 – Information Report – Annual Health and Safety Report 2011/12; Agenda Item 11 – Information Report – Response to Unison Health and Safety Report; Agenda Item 12 – Employees’ Side Report on Fairness and Consistency in Dignity at Work Complaints; Agenda Item 13 – Management’s Response to Employee’s Side Report on Fairness and Consistency in Dignity at Work Complaints; Agenda Item 14 – Information Report – Follow Up Actions.

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. He would remain in the room whilst the matters were considered and voted upon.

Agenda Item 12 – Employees’ Side Report on Fairness and Consistency in Dignity at Work Complaints; Agenda Item 13 – Management’s Response to Employee’s Side Report on Fairness and Consistency in Dignity at Work Complaints

Councillor Paul Osborn declared a personal interest in that he was the Portfolio Holder who had agreed the current Dignity at Work Procedures. He would remain in the room whilst the matters were considered and voted upon.

**94. Appointment of Vice-Chairman**

**RESOLVED:** To note the appointment at the Cabinet meeting held on 24 May 2012 of Councillor Graham Henson as Vice-Chairman of the Forum for the Municipal Year 2012/13.

**95. Minutes**

**RESOLVED:** That the minutes of the meeting held on 18 April 2012 be taken as read and signed as a correct record subject to the following amendments on:

- Minute Item 85, Page 74, 8<sup>th</sup> bullet point be amended to insert the following:

“The modernisation proposals posed a significant risk to Unison members. The redundancy proposal did not contribute towards the

savings expected and the proposal to reduce salary protection to one year would make alterations to jobs through downgrades cheaper and easier through generic job descriptions”.

- Minute Item 85, Page 74, 9<sup>th</sup> bullet point be amended to read the following:

“Unison made a formal proposal that as Members did not suffer any impact as a result of modernisation, they should endure a similar, across the board percentage reduction so that the burden of cuts was shared from top to bottom”.

- Minute Item 86, Page 77, 1<sup>st</sup> paragraph be amended to insert the following:

“There was a degree of hypersensitivity on the Council’s part regarding the questions asked and the inaccuracies identified in the report. Additionally the responsible officer headed a large public sector organisation of some 4,500 employees and should expect, from time to time, scrutiny and accountability for actions and decisions taken.

- Minute Item 86, Page 77, bullet point 4 be amended to read the following:

“Unison believed that the previous meetings held with the Council were formal and referenced members to the January 2012 Cabinet report, paragraph 2.12 page 3. This reference was used to corroborate Unison’s view that there was a misrepresentation of what was presented as formal and informal meetings by the Council;

- Minute Item 86, Page 77, bullet point 5 be amended to read the following:

“Unison referenced the January 2012 Cabinet report page 8, fifth paragraph to highlight the inaccuracy and contradiction in management’s response to question 8 (ECF Agenda, 18 April 2012, page 29) the Cabinet report stated that an ‘Equality Impact Assessment’ had been carried out while the answer to question 8 stated that an EQIA could not be completed until the proposals had been developed. Unions highlighted a contradiction and had asked that it be corrected”.

- Minute Item 86, Page 79, bullet point 1 be amended to include the following:

“The Leader of the Council gave a commitment to Unison that staff would be treated fairly and equitably in attempts to reach a collective agreement through ‘Modernisation’.

- Minute Item 86, Page 79, bullet point 2 be removed.

## **96. Petitions, Petitions and Deputations**

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

## **RESOLVED ITEMS**

## **97. Terms of Reference for the Employees' Consultative Forum**

The Forum was presented with their current Terms of Reference. During consideration of this item, Members of the Forum made a number of comments as follows:

- the Terms of Reference could be improved to ensure that they were fit for purpose going into the future;
- consideration could be given to whether Trade Union Members of the Forum received voting rights;
- the number of GMB Unions representatives on the Forum should be reviewed;
- the representatives from the Teaching Unions had not attended a meeting of the Forum for some time. The Divisional Director of Human Resources & Development and Shared Services undertook to remind the teaching unions that they were entitled to send a representative to these meetings.

A Member of the Forum proposed that a working group should be set up to review the Forum's Terms of Reference and produce any views, comments or recommendations for consideration. This working group should include representatives from the Trade Unions.

**RESOLVED:** That a working group be established to conduct a review of the Forum's Terms of Reference.

## **98. INFORMATION REPORT - Annual Health and Safety Report 2011/12**

An officer introduced a report which summarised the Council's Health and Safety performance from April 2011 to 31 March 2012. The officer reported the following:

- the report detailed the steps taken to deliver year 1 of the 2 year Improvement Plan developed to enable the Council to produce a robust Health and Safety Management System;
- the report was much more positive than last year but the Council would not become complacent. It was still important to deliver the steps necessary in the second year of the Improvement Plan;

- there had been a 39% reduction in accidents. However only 2 years worth of statistics had been obtained so it was important to obtain a further year's data before making any meaningful analysis;
- there was further work being conducted by the Corporate Health and Safety Group. In addition to this, new starters were being trained in Health and Safety.

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

- there were a significant amount of accidents in schools which accounted for the fact that teaching assistants were within the top 3 professions who suffered from accidents. It was important to note that trips, slips and falls amounted to accidents;
- information relating to Academies had been taken out of the analysis report so like for like data was being compared;
- in the future, officers would attempt to separate data in relation to the former Adults and Housing directorate separately;
- officers had been liaising with schools regarding asbestos management and completing self audit tools relating to this issue and the management of health and safety. Asbestos management plans were in place. Corporate properties were also being continuously monitored;
- information on the outcome of the self audit tools in relation to schools be provided at the next Union Partnership meeting;
- any accidents involving facilities were classified as office based accidents. This may account for why there were a high proportion of accidents classified as office based within the Community and Environment Directorate last year. The specific reasons were unknown but workforce data could be analysed to see if the trends continued;
- investigations were ongoing in relation to having a central database within the Council relating to Asbestos management;
- any incidents involving visitors and councillors were recorded, however the report presented focused on those incidents relating to staff;
- when broken down, approximately 96-98% of accidents were minor in their nature in relation to physical assault;
- there had been discussions over the years regarding testing staff for alcohol and drugs. There was currently no policy on testing for this and there were a number of implications and sensitivities if this was adopted. Before any policy of this kind was introduced, there would need to be full consultation with the Trade Unions;

- continuous work was required on asbestos management. A programme had been set in place and officers had been regularly visiting schools to assist them in this process;
- officers had been advised that the asbestos plan for the Civic Centre was up to date despite a concern raised by a Trade Union Member that they were not.

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

- the Unions did not share the positive view held by the officers in relation to Health and Safety. There were still significant issues to resolve including statutory gas inspections, asbestos issues and a lack of effective management;
- in their view, the current training offered to staff on Health and Safety was not effective or consistent;
- Health and Safety issues were work in progress and in their view the Health and Safety team did not have sufficient clout within the organisation;
- there were contradictions in the report regarding the success of Health and Safety generally within the Council;
- there were concerns over the performance of the organisation providing the Occupational Health Service within the organisation. There had been a recent case where it was believed they had provided incorrect medical advice;
- GMB had asked for details of the self audit tool outcomes conducted for schools in relation to asbestos management. This had not been provided and schools had been unsure on how to progress self audit tools.

During the discussion on this item, other Members of the Forum made the following comments:

- it was important to be clear that even minor incidents such as slips and trips amounted to being classified as accidents;
- work was progressing in relation to Health and Safety. There had been a significant increase in the reporting of accidents and in the use of the self audit tool, which was designed to allow managers to review their health and safety management arrangements;
- it was important that schools were still being monitored for asbestos issues otherwise this would cause difficulties in the future;

A Member proposed that rather than a report being presented back to the Forum on asbestos management, the information be circulated to those Members who wished for it in the interim. Only if there were further issues should a report be presented to the Forum. The Forum agreed with this proposal.

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

**99. INFORMATION REPORT - Response to Unison Health and Safety Report**

An officer introduced the report and explained that the Forum had requested a joint report from officers and Unison to be presented to this meeting. However this had not been possible for a number of reasons. The report presented to the Committee highlighted areas of agreement and areas of disagreement. Officers would work closely with the new Union Health and Safety representative to address the outstanding issues.

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

**100. Employees' Side Report on Fairness and Consistency in Dignity at Work Complaints and Management's Response**

A representative from Unison introduced the report and explained that it addressed several concerns that the unions had in relation to the Council's Dignity at Work (DAW) Procedure.

During his presentation, the representative made the following points:

- some decisions made under the Dignity at Work Procedure were contradictory and without evidence to corroborate the judgements made;
- this was not fair and contrary to principles of natural justice especially when there was a requirement for employees to provide evidence as part of their submissions;
- if there was no requirement for management to give evidence, this therefore meant that decisions were being based on opinion and hearsay and there was a greater risk of personal beliefs and prejudices impacting upon the decision;
- the Dignity at Work Procedure was used by a diverse workforce and it was important to ensure natural justice prevailed;
- the response provided by management in relation to the issues raised instilled no confidence in the DAW procedure;
- the last report presented to the Forum detailed some information relating to DAW appeals. However they did not detail whether the outcomes reached had been based on evidence submitted;

- it was proposed that the Forum authorise a review of all DAW outcomes over the last two years to seek assurance that decisions had been corroborated and verified with evidence;
- the Unions would like to see a procedural change within the DAW procedure to place an emphasis on evidence being presented to justify arguments.

In response to the issues raised by Unison, the Divisional Director of Human Resources & Development and Shared Services made the following points:

- it was agreed that principles of natural justice, a fair hearing and providing a rationale for decisions were vital. However it was important to note that the purpose of the DAW procedure was to reach a resolution. It could be the case that in some circumstances to resolve an issue, not all the evidence was required to be studied, a justifiable sensible decision could still be reached;
- it was recognised that there was a need to understand the rationale behind any decision, but it was not believed that the standard of evidence the trade union were seeking was required;
- it was important that for all DAW complaints, employees felt satisfied with the process. If an employee did not proceed to an appeal it was reasonable to assume they were satisfied with the outcome. Where the employee was not satisfied, then they could exercise their right to appeal;
- there had been a number of outcomes reached where the outcome included that practices needed to change which was positive;
- there were also likely to be occasions that an employee could still be unhappy with the outcome even if it was fair and transparent;
- there would justifiably be concern if there was a raft of evidence and it was decided that there was no issue. A review of this would then be correct. However this was not the case;
- the Council did not have the resources to conduct a review of all DAW complaints within the last 2 years.

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

- it was expected that the Trade Unions would advise their members to appeal under the DAW even if they believed that there was no point in doing so. Additionally the Council would always try to support any employee who felt unfairly treated;
- the levels of complaints raised under the DAW procedure was low compared to the number of staff within the Council's workforce. There



was no statistical evidence that the Council had a major issue in relation to these.

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

- the DAW Appeal form requested evidence to support complaints;
- it was not correct that employees did not appeal under the DAW as they were satisfied with the outcome. Some employees did not appeal because they had no faith in the system.

During the discussion on this item, other Members of the Forum made a number of comments including:

- complaints could always be argued both ways and it was important to note this;
- grievances were not intended to be adversarial but to try and seek a resolution.

At the close of the debate a Member proposed that 5 cases be reviewed by a Councillor working group, with the cases chosen by the unions, instead of all the cases over the last 2 years. This would provide a satisfactory number of cases to be reviewed and as the unions would chose cases which they felt strongly demonstrated their issues, it would ensure that all relevant concerns were addressed. The membership of the working group would comprise of Councillors.

**RESOLVED:** That

- (1) the report be noted;
- (2) a Councillor working group be established to review 5 previous DAW cases with a report presented back to the Forum on its findings.

#### **101. INFORMATION REPORT - Follow-up Actions**

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

(Note: The meeting, having commenced at 7.30 pm, closed at 8.50 pm).

(Signed) GARY MARTIN  
Chairman