

**REPORT FOR: EMPLOYEES'  
CONSULTATIVE  
COMMITTEE**

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<b>Date of Meeting:</b>	31 January 2012
<b>Subject:</b>	Review of the Terms of Reference for the Employee Consultative Forum
<b>Responsible Officer:</b>	Tom Whiting, Assistant Chief Executive
<b>Exempt:</b>	No
<b>Enclosures:</b>	<ol style="list-style-type: none"><li>1. Current Terms of Reference for the Employee Consultative Forum</li><li>2. Proposed Revised Terms of Reference for the Employee Consultative Forum</li><li>3. Proposed Terms of Reference for the new Employee Consultative Forum Employment Sub-Group</li></ol>

**Section 1 – Summary and Recommendations**

This report sets out proposals for changes to the ECF terms of reference, reducing meetings to twice a year and the establishment of a new sub-group made up of members of the Forum, meeting six times a year

**Recommendations:**

The Committee is requested to recommend to Cabinet that the proposed changes to the ECF terms of references are agreed

## **Section 2 – Report**

### **Background**

- 1.0 A recommendation was made at the 4 July 2012 meeting of the Employee Consultative Forum that a working group be established to conduct a review of its terms of reference.
- 1.1 The working group consisting of Members, Trade Union Officers and Council Officers considered the improvements to the Forum's Terms of Reference to ensure they are fit for purpose going into the future.

### **Current situation**

- 2.0 The Forum is the primary mechanism by which Council Members consult with the trade unions on matters of mutual interest e.g. the Council Budget
- 2.1 The Forum meets four times a year and makes recommendations to the relevant Portfolio Holder or cabinet upon matters which have not been resolved at management level.
- 2.2 The Forum considers items referred either by management or trade unions following failure to agree at the Corporate Joint Committee (CJC), failure to agree at a Departmental Joint Committee (DJC) or items referred directly by management or the trade unions.
- 2.3 The Forum ensures compliance with equalities legislation and keeps under review the measures taken to ensure health and safety and welfare at work. Annual reports on equalities in employment and on health and safety at work are presented to the Forum for consideration.

### **Why a change is needed**

- 3.0 The Forum cannot deliver decisions, which has led to agenda items going backwards and forwards
- 3.1 The infrequent meetings do not facilitate quick outcomes
- 3.2 The bureaucracy associated with meetings of the Forum is a drain on Council and on Trade Union resources
- 3.3 Some discussions conducted in the public arena are not good for the Council's reputation

## **Main Options**

- 4.1 To reduce the number of meetings of the Forum to twice a year, to consider the Council Budget, the Annual Equalities in Employment Report and the Annual Health and Safety Report and to start meetings at 7 pm.
- 4.2 To establish a sub-group of the forum to meet six times a year, chaired on a rotating basis between the Portfolio Holder for Human Resources and a trade union representative
- 4.3 That the sub group considers items referred by either management or the trade unions following failure to agree at the Corporate Joint Committee, failure to agree at a Departmental Joint Committee or failure to agree at the Corporate Health & Safety Group
- 4.4 That decisions of the sub-group are reached by majority vote by permanent members only
- 4.5 That notes of decisions and action points only are recorded by a member of the sub-group, not Democratic Services, and a report on actions be submitted to the Forum

## **Financial Implications**

Holding fewer Employee Consultative Forum meetings will contribute to the potential savings in terms of Democratic Services staff time, room bookings and printing of documents

## **Risk Management Implications**

Risk included on Directorate risk register? No

Separate risk register in place? No

## **Equalities implications**

Was an Equality Impact Assessment carried out? Yes

No adverse impacts were established

## **Corporate Priorities**

The report recognizes the Trade Unions' role in supporting and protecting people's interests therefore aligned with the corporate priorities

### Section 3 - Statutory Officer Clearance

Name:.....Steve Tingle.	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: .....14 January 2013.....		
Name: ...Hugh Peart.....	<input checked="" type="checkbox"/>	Monitoring Officer
Date: .....17 <sup>th</sup> January 2013.....		

### Section 4 - Contact Details and Background Papers

**Contact:** Marion Afoakwa, Workforce Performance & Productivity Manager, 020 8420 9412

#### Background Papers:

Minutes of 4 July 2012 Employee Consultative Forum Meeting:  
<http://moderngov:8080/ieListDocuments.aspx?CId=265&MId=61096&Ver=4>

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	NO

## Current Terms of Reference for the Employee Consultative Forum

<b>SUBJECT:</b>	<b>ECF Terms of Reference</b>	
<b>SECTION:</b>	<b>Employment Benefits</b>	<b>REF: 4.07</b>
<b>SOURCE:</b>	<b>Cabinet 4<sup>th</sup> August 2006</b>	
<b>AND DATE:</b>	<b>Employees' Consultative Forum 4<sup>th</sup> July 2006</b>	
<b>APPLICABLE TO:</b>	<b>All Employees</b>	

### 1.0 Consultation

1.1 The consultative forum is the primary mechanism by which Council Members will consult Union Representatives on Council Strategies, policies, organisational change and other issues of mutual concern.

1.2 It will also provide a forum for discussion on matters of mutual interest. The consultative forum shall make recommendations to the Cabinet on such issues.

1.3 The consultative forum shall make recommendations to the relevant to the relevant Portfolio Holder or Cabinet upon matters, which have not been resolved at management level, specifically: -

- § Items referred by either management or the trade unions following failure to agree at the Corporate Joint Committee (CJC).
- § Items referred by either management or the trade unions following failure to agree at a Departmental Joint Committee (DJC).
- § Items may be referred to the consultative forum directly by management or the trade unions.

1.4 The consultative forum shall not consider issues which fall under the scope of existing procedures, e.g. disciplinary appeals, individual grievances and individual grading appeals.

### 2.0 Equal Opportunities

2.1 The consultative forum will seek to promote Equal Opportunities in Employment within the Council, ensuring compliance with all the relevant anti – discrimination legislation.

2.2 The consultative forum will ensure the effective implementation of 'Making a Difference – Making Equality of Opportunity a Reality'. The Forum will receive regular reports of progress including: -

- § Statistics and progress on meeting equality targets including an annual report, such statistics to include details of disciplinary, grievance and redundancy cases analysed by race, gender and disability.
- § Review of equal opportunity policies, procedures and practices
- § Equal Opportunities training, communication with staff and Harrow's communities

### **3.0 Health & Safety**

3.1 The consultative forum will seek to promote health and safety and welfare within the Council and will keep under review the measures taken to ensure health and safety and welfare at work. The Forum will receive regular reports on the following :-

- § Accidents/ Incidents and notifiable diseases, statistics and trends with recommendations for corrective action;
- § Consideration of reports and factual information provided by Health & Safety Executive, Health and Safety Partnership Board, Executive Directorate Health & Safety Groups and Trade Union Health and Safety representatives. It will also consider safety audits and internal audit reports;
- § The Council's safety policies and the extent to which they are carried out and any need for updating;
- § The effectiveness of health and safety and welfare training, communications and promotions in the workplace;
- § Facilities for Safety representatives and training.

3.2 The consultative forum will carry out site visits of premises, which either are, or potentially are, a cause for concern in respect of Health & Safety or welfare considerations.

3.3 Any health and safety and welfare matters which are the responsibility of the Council as set out in the schedule to the Council's Constitution must be referred to the General Purposes and Licensing Committee.

### **4.0 Membership**

4.1 The permanent membership of the Forum shall be as follows: -

- a) 7 Councillors to include the Leader and/or Deputy leader, Portfolio holder with responsibility for Human Resources.
- b) 5 Unison Representatives including Vice-Chair and Branch Secretary
- c) 1 GMB Representative (Branch Secretary or nominee)
- d) 3 Representatives nominated by the Harrow Teachers' Consultative Committee
- e) 2 further Representatives from the Employee side.

The Council Members shall be appointed annually by the Cabinet. If a Council Member is unable to attend any meeting then a duly appointed Reserve Council Member may attend in their place.

The Employee Side Representatives shall be nominated to the Chief Executive within 14 days of each Annual Council. If an Employee Side representative is unable to attend any meeting they may nominate a substitute who shall be co-opted onto the committee for the purposes of this meeting.

Others who may attend the Forum include:-

- Chief Executive, Executive Directors & Directors (or representative)
- Trade Union Branch Secretaries (or representative)
- Trade Union Branch Regional Officials (as required)
- Representatives from Employee Support Groups – for relevant items as appropriate
- Other officers as required.

## **5.0 Recommendations of the Consultative Forum**

5.1 Recommendations of the consultative forum are reached by a majority vote among elected Members.

5.2 Recommendations of the consultative forum must go to the relevant portfolio holder or Cabinet, who are the last stage in the local procedures and in the normal course of events, will be implemented immediately (subject to the call- in period).

*(Note: A proposal to establish any subsidiary body of this Committee shall be subject to its prior referral to and approval by Cabinet).*

## **Proposed Revised Terms of Reference for the Employee Consultative Forum**

### **1.0 Consultation**

1.1 The consultative forum is the primary mechanism by which Council Members will consult Union Representatives on matters of mutual interest. The consultative forum shall make recommendations to the Cabinet on such issues.

### **2.0 Equal Opportunities**

2.1 The consultative forum will seek to promote Equal Opportunities in Employment within the Council, ensuring compliance with all the relevant anti – discrimination legislation.

2.2 The consultative forum will ensure the effective implementation of 'Making a Difference – Making Equality of Opportunity a Reality'. The Forum will receive regular reports of progress including: -

- § Statistics and progress on meeting equality targets including an annual report, such statistics to include details of disciplinary, grievance and redundancy cases analysed by race, gender and disability.

### **3.0 Health & Safety**

3.1 The consultative forum will seek to promote health and safety and welfare within the Council and will keep under review the measures taken to ensure health and safety and welfare at work. The Forum will receive reports on:-

- The Council's half-year and annual health and safety performance report providing and update of health and safety activities and giving information on outcome measures

3.2 Any health and safety and welfare matters which are the responsibility of the Council as set out in the schedule to the Council's Constitution must be referred to the General Purposes and Licensing Committee.

### **4.0 Membership**

4.1 The permanent membership of the Forum shall be as follows: -

- f) 7 Councillors to include the Leader and/or Deputy leader, Portfolio holder with responsibility for Human Resources.
- g) 5 Unison Representatives including Vice-Chair and Branch Secretary
- h) 1 GMB Representative (Branch Secretary or nominee)
- i) 3 Representatives nominated by the Harrow Teachers' Consultative Committee



- j) 2 further Representatives from the Employee side.

The Council Members shall be appointed annually by the Cabinet. If a Council Member is unable to attend any meeting then a duly appointed Reserve Council Member may attend in their place.

The Employee Side Representatives shall be nominated to the Chief Executive within 14 days of each Annual Council. If an Employee Side representative is unable to attend any meeting they may nominate a substitute who shall be co-opted onto the committee for the purposes of this meeting.

Others who may attend the Forum include:-

Chief Executive, Corporate Directors & Directors (or representative)  
Trade Union Branch Secretaries (or representative)  
Trade Union Branch Regional Officials (as required)  
Representatives from Employee Support Groups – for relevant items as appropriate  
Other officers as required

## **5.0 Recommendations of the Consultative Forum**

5.1 Recommendations of the consultative forum are reached by a majority vote among elected Members.

5.2 Recommendations of the consultative forum must go to the relevant portfolio holder or Cabinet, who are the last stage in the local procedures and in the normal course of events, will be implemented immediately (subject to the call- in period).

*(Note: A proposal to establish any subsidiary body of this Committee shall be subject to its prior referral to and approval by Cabinet).*

## **Proposed Terms of Reference for the new Employee Consultative Forum Employment Sub-Group**

### **1.0 Consultation**

The ECF Employment Sub-Group is a mechanism by which Council Members will consult Union Representatives on matters of mutual interest. The employment sub-group shall make recommendations to the Employee Consultative Forum on such issues.

### **2.0 Scope**

The employment sub-group will consider and reach decisions for recommendation on:

- a. Items referred by either management or the trade unions following failure to agree at the Corporate Joint Committee (CJC)
- b. Items referred by either management or the trade unions following failure to agree at a Departmental Joint Committee (DJC)
- c. Items referred by either management or the trade unions following failure to agree at the Corporate Health and Safety Group (CHSG)
- d. Items referred by either management or the trade unions following failure to agree at the Corporate Equality Group (CEG)
- e. The consultative group may carry out site visits of premises, which either are, or potentially are, a cause for concern in respect of Health & Safety or welfare considerations
- f. The general application of Council employment policies and procedures

The group shall not consider individual employee issues or those which fall under the scope of existing procedures, e.g. disciplinary appeals, individual grievances and individual grading appeals.

### **3.0 Meetings**

Meetings will be held every other month and chaired, on a rotating basis, by the Portfolio Holder of Human Resources or a Trade Union representative.

Notes of decisions and action points only shall be recorded and action points will flow through to future meetings until they are resolved

The administration of meetings will not be supported by Democratic Services

### **4.0 Membership**

Permanent membership of group will be as follows:

- a. The Leader of the Council or nominee from the ECF panel
- b. The Portfolio Holder for Human Resources or nominee from the ECF panel
- c. A nominated Councillor from the opposition from the ECF panel
- d. 2 Unison Representatives including the Branch Secretary or nominee
- e. 2 GMB Representatives including the Branch Secretary or nominee
- f. 1 Harrow Teachers Consultative Forum Representative
- g. 2 Council Officers including the Divisional Director of Human Resources and the Assistant Chief Executive or a Corporate Director

Others who may attend meetings are:

Councillors from the ECF panel as Reserve Members  
1 GMB Regional Officer (ex-officio)  
1 Unison Regional Officer (ex-officio)  
Other Officers as required

A minimum of 2 Councillors are required for meetings to be deemed quorate

## **5.0 Decisions and Recommendations**

- a. Decisions for a recommendation shall be reached by a majority vote among permanent members as follows:
  - i. The Leader of the Council – 1 vote
  - ii. The Portfolio Holder for Human Resources – 1 vote
  - iii. Nominated Member of the opposition – 1 vote
  - iv. GMB – 1 vote
  - v. Unison – 1 vote
  - vi. Harrow Teachers Consultative Forum – 1 vote
- b. If voting results in a tie, the decision shall be made by the Chair
- c. Decisions may include reference back to CJC/DJC/CHSG/CEG for further consideration of matters.
- d. Recommendations shall be made to the relevant portfolio holder or to Cabinet for a decision, as required
- e. A report on actions will be presented at ECF meetings