

REPORT FOR: **CABINET**

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| Date of Meeting: | 14 February 2013 |
| Subject: | Employees' Consultative Forum Terms of Reference – Proposal for Revisions |
| Key Decision: | No |
| Responsible Officer: | Tom Whiting, Assistant Chief Executive |
| Portfolio Holder: | Graham Henson, Portfolio Holder for Performance, Customer Services and Corporate Services |
| Exempt: | No |
| Decision subject to Call-in: | Yes |
| Enclosures: | <ol style="list-style-type: none">1. Current Terms of Reference for the Employee Consultative Forum2. Proposed Revised Terms of Reference for the Employee Consultative Forum3. Proposed Terms of Reference for the new Employee Consultative Forum Employment Sub-Group4. Recommendation from ECF |

Section 1 – Summary and Recommendations

This report sets out proposals to change the terms of reference for the Employee Consultative Forum and to establish a subsidiary body of this Committee

Recommendations:

Cabinet is requested to approve the revised terms of reference for the

Employee Consultative Forum as recommended at the 31 January 2013 meeting of the Forum.

Reason: (For recommendation)

The infrequent meetings of the Forum do not facilitate quick outcomes. Some discussions held in the public arena are not good for the Council's reputation and the bureaucracy associated with meetings is a drain on Council resources

Section 2 – Report

Introductory paragraph

- 2.1 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.
- 2.2 A working group of officers, members and union representatives has met to discuss the issues and the recommendations from the group were reported to the Employee Consultative Forum on 31 January 2013.

Options considered

- 2.3 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 only
- 2.4 To establish a sub-group of the forum meeting six times a year to consider and reach decisions for recommendation on:
 - items referred by either management or the trade unions following failure to agree at Corporate Joint Committee (CJC), Departmental Joint Committee (DJC), Corporate Health and Safety Group (CHSG) or the Corporate Equality Group (CEG)
 - the general application of employment policies and procedures.

Legal Implications

- 2.5 There is a statutory requirement to publish annual Equalities in Employment reports and annual Health and Safety Reports. The

revised terms of reference for the Forum assist the Council in meeting these obligations.

Financial Implications

- 2.6 The Forum will remain as the primary mechanism by which Council Members consult and debate issues with the trade unions on matters of mutual interest e.g. the Council Budget.
- 2.7 Holding fewer Forum meetings will contribute to the potential savings in terms of Democratic Services staff time, room bookings and the printing of agenda pack.

Performance Issues

- 2.8 The Health and Safety and Equality reports contain performance data and progress reports, which the Forum reviews and discusses potential actions that could be taken to improve the Council's performance.
- 2.9 Holding fewer Forum meetings administered by Democratic Services will reduce the time spent arranging and administering Forum meetings
- 2.10 Holding frequent sub-group meetings will allow issues to be dealt with more speedily and the report on actions to be presented at each meeting of the Forum will provide a formal record of actions

Environmental Impact

None

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

There were no adverse findings from the changes proposed

Corporate Priorities

The reports remain for consideration by the Employee Consultative Forum will be those that have wide-ranging impacts on services and the workforce (e.g. on the Council's budget) and are therefore intrinsically linked to supporting the Corporate Priorities.

The sub-group which meets more frequently will assure the Council that matters of concern to the unions and management are dealt with more speedily than has been the case to-date. This will ensure that these concerns are resolved more rapidly and therefore do not delay progress in delivering to the Corporate Priorities.

Section 3 - Statutory Officer Clearance

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| Name: Steve Tingle | <input checked="" type="checkbox"/> | on behalf of the Chief Financial Officer |
| Date: 1 February 2013 | | |
| Name: Hugh Peart | <input checked="" type="checkbox"/> | Monitoring Officer |
| Date: 4 February 2013 | | |

Section 4 – Performance Officer Clearance

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|-----------------------|-------------------------------------|---|
| Name: Alex Dewsnap | <input checked="" type="checkbox"/> | Divisional Director Strategic Commissioning |
| Date: 4 February 2013 | | |

Section 5 – Environmental Impact Officer Clearance

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|-----------------------|-------------------------------------|--|
| Name: John Edwards | <input checked="" type="checkbox"/> | Divisional Director (Environmental Services) |
| Date: 1 February 2013 | | |

Section 6 - Contact Details and Background Papers

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

Background Papers: Minutes of the 4 July 2012 Employee Consultative Forum
<http://modern.gov:8080/ieListDocuments.aspx?CId=265&MId=61096&Ver=4>

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE

[Call-in applies]

Current Terms of Reference for the Employee Consultative Forum

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|-----------------------|---|------------------|
| SUBJECT: | ECF Terms of Reference | |
| SECTION: | Employment Benefits | REF: 4.07 |
| SOURCE: | Cabinet 4th August 2006 | |
| AND DATE: | Employees' Consultative Forum 4th July 2006 | |
| APPLICABLE TO: | All Employees | |

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.

4.3 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