

**EMPLOYEES' CONSULTATIVE FORUM: Date TBC**

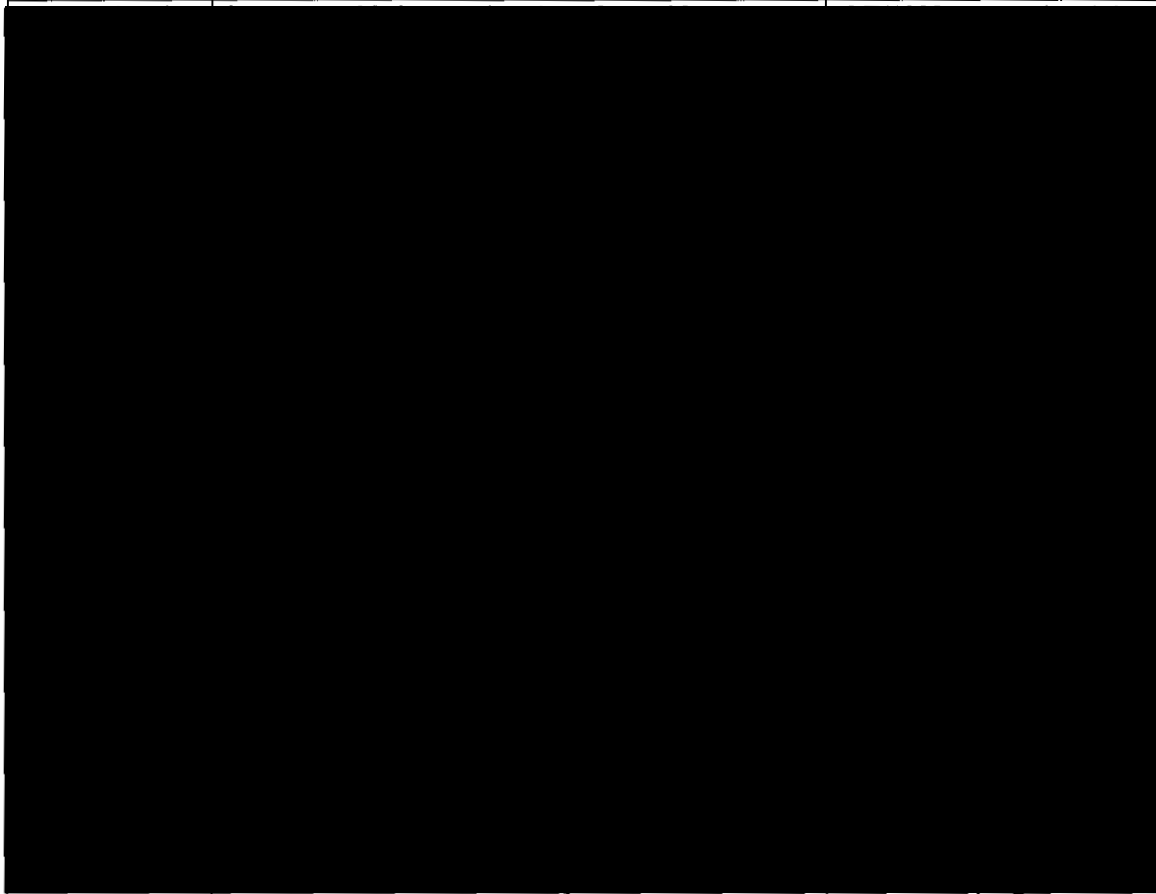
**EMPLOYEES' SIDE REPORT ON: FAILUE**

**SUMMARY AND DECISION REQUESTED**

UNISON, requests that the Housing Directorate Senior Management Team including the Divisional Director attend training courses to fully understand a person's rights at work, we cannot continue to conduct a tick box exercise within an organisation that has no real direction or understanding of employment relations. and that the council enacts consequences for these failings when considering the vast sums of public monies received by these senior employees.

**CHRONOLOGY:**

DATE	ACTION	OUTCOME
24/06/2011	Email from Jon Turner to HR & Unison	APPX 1 page 4-5
11/01/2012	Letter to Jon Turner from Gary Martin (DAW Procedures- ACAS Meeting	APPX2 page 6-7
	Harrow Council's Disciplinary Procedure	APPX3 page 8
	Harrow Council's Grievance Procedure	APPX4 page 9-11
	Harrow Council's Grievance Policy	APPX5 page 12-14





## REPORT

UNISONs ECF report concentrates on the Housing Directorate and the failure to act in accordance of the Councils procedure and Article 6 of the HRA 1998 a protected right to a fair hearing, this is a protected right of every European citizen.

The LBH grievance procedure is a contractual procedure one of the key elements which formulate the employee's contract of employment. This identifies a contractual right and therefore places the duty to act fairly squarely on the employer.

However what we have witnessed at most senior level's of the directorate "The Divisional Director" a somewhat different approach, an approach that dilutes the complaint; a dictatorial stance to prohibit the complaint being heard correctly. The Divisional Director who has been near on non-existent to Unison fails to apply any form of good corporate governance in his dealing with staff.

Harrow Councils open declaration on values is quite amusing considering the most senior officer in Housing treats staff who complain in the most appalling and disgraceful manner. It appears that this directorate is totally disrespecting a workers rights under current UK employment Law, even more alarming is the fact that the Divisional Director is supportive of breaching a persons protected rights under "the Right to a private and family life" and believes that it is right that a person should be openly accused of having an sexual affair with another colleague within the work place when UNISON made a formal complaint on behalf of the Member The divisional director ignored the complaint in a totally condescending manner, we wonder whether he would be so accommodating if malicious rumours were openly spread about him we think not.

**AUTHOR: Harrow UNISON LG Branch**

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**Gary Martin**

*Appx 1*

**From:** Jon Turner <Jon.Turner@harrow.gov.uk>  
**Sent:** 24 June 2011 10:54  
**To:** Henicka UDDIN; Gary Martin; Lesley Clarke; Marion Afoakwa; John Noblemunn <j.noblemunn@unison.co.uk.cjasm.net>  
**Subject:** RE: ACAS Outcomes - Draft joint statement

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear all,

I've picked up Gary's amendment in the revised draft below, which subject to any further comments I will circulate to senior managers next week.

'Officers from UNISON and Harrow's Human Resources met with ACAS last week to explore opportunities to improve the Council's consultation processes. Discussions were positive as all parties recognised the importance of compliance with council procedures and employment practices and, using examples of where consultation had gone well and not so well, good progress was made in identifying changes that should assist us in future consultation processes.'

Many thanks for your feedback  
Regards  
Jon

>>> Gary Martin <g.martin@harrow-unison.org.uk> 22/06/2011 09:29 >>>

Dear Jon,

Can you please include the point regarding compliance with council procedures and employment practices, other than that I am agreeable to the statement.

Regards  
Gary

-----Original Message-----

From: Jon Turner [mailto:Jon.Turner@harrow.gov.uk]  
Sent: 21 June 2011 13:50  
To: Henicka UDDIN; Gary Martin; Lesley Clarke; Marion Afoakwa; John Noblemunn  
Subject: ACAS Outcomes - Draft joint statement

Dear all,

As agreed, I've drafted a short statement below. Please let me have any comments/amendments:

Officers from UNISON and Harrow's Human Resources met with ACAS yesterday to explore opportunities to improve the Council's consultation processes. Discussions were positive and using examples of where consultation had gone well and not so well, good progress was made in identifying changes that should assist us in future consultation processes.

Regards  
Jon

Jon Turner  
Divisional Director  
Human Resources, Development and Shared Services

Tel: 020 8424 1225

\*\*\*\*\*

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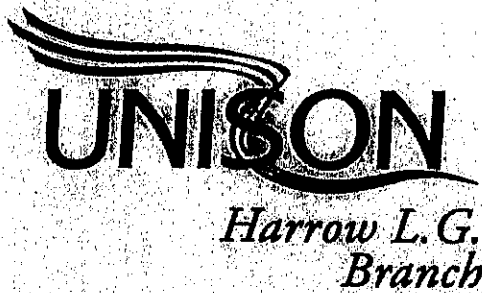
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Branch Secretary: Gary Martin

Jon Turner  
Divisional Director HRD  
3<sup>rd</sup> Floor Civic 1  
Civic Centre  
Harrow  
Middlesex

11<sup>th</sup> January 2012

Dear Jon,

**Re D@W Procedures-ACAS meeting**

Thank you for your response to my initial letter dated 5<sup>th</sup> January 2012 regarding the above entitled concerns. This Branch accepts part of your response relating to the commitment and assurances given, to both Unison and the ACAS officer. It is however a concern that your dissemination has not been accepted by a proportion of the Management team in Harrow.

In regards to your justification relating to the Employment Tribunals we question the contradictory statement within the response. I directly refer to the numbers provided which seem to suggest that the council has entered into COT 3 agreements therefore the numbers fail to equate to a possible and unnecessary cost to the authority. This I believe to be a fair assumption based on the limited information provided in your response.

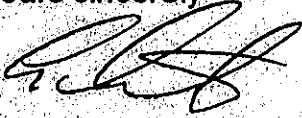
Also you fail to identify within your response that a CA is actually a payment made to settle a dispute between an employee and their employer again a probable and unnecessary cost to the tax paying public. I therefore request how many COT3 agreement have been made prior to the number of hearings identified in your response and the total figure(cost) of these agreements as well as the total number of CA agreements and total cost against the public purse for the period 2010/2011. Plus of course the legal cost incurred by Harrow Council.

This request would clearly identify whether the council D@W procedures which are disputed by Unison in relation to outcomes totally justifies whether the process is actually fair. As you will fully appreciate I have unfortunately been involved in the most perverse decision delivered by the council.

**One is a lonely number, join UNISON and you're one in a million.....**  
**Harrow UNISON:**



Yours sincerely



Gary Martin  
Branch Secretary  
Harrow Unison LG

**One is a lonely number, join UNISON and you're one in a million.....  
Harrow UNISON: An award winning Branch**



## Harrow Council

### Disciplinary Procedure

This policy and procedure is contractual and forms part of the employment contract for employees at Harrow Council. The associated guidance and forms are non-contractual. The policy may be amended at any time in consultation with the trade unions.

This procedure sets out the process for ensuring that misconduct issues are dealt with in a fair, timely and consistent way whilst supporting the person concerned to improve their conduct to an acceptable standard.

#### 1. Informal Procedure

- 1.1 Minor issues of misconduct will, initially, be dealt with informally through day to day management. After establishing what happened, a manager may consider there is no need to resort to the formal procedure and that it is sufficient to hold a Guidance meeting with the employee. The purpose of a Guidance meeting is to raise with the employee those areas where their conduct is not satisfactory and provide guidance on how to correct or overcome conduct issues in a constructive and supportive manner.
- 1.2 Where the informal route is to be used the manager should discuss the issue with the employee at the earliest possible opportunity so that the employee can take steps to improve. The discussion may therefore cover any, or all of the following areas:
  - The minimum standards of behaviour
  - The action required to meet the minimum requirements
  - Any support, guidance or training which may be necessary
- 1.3 The employee must be informed that the discussion constitutes an informal approach to resolving the issue and that continued failure to meet the appropriate standards will result in formal action being taken under the disciplinary procedure.
- 1.4 The Manager will give the employee a written record of what was discussed at the Guidance Meeting, and a copy sent to HR for the personal file where it will be held for 12 months.

#### 2. The Formal Disciplinary Procedure

- 2.1 The formal disciplinary procedure will only be used when Guidance meetings have failed to result in sufficient improvement or there has been an allegation made relating to more serious misconduct.



## Harrow Council

### Grievance Procedure

This policy and procedure is contractual and forms part of the employment contract for employees at Harrow Council. The associated guidance and forms are non-contractual. The policy may be amended at any time in consultation with the trade unions.

#### 1 Raising an Informal Grievance

- 1.1 In the first instance, managers and employees should always aim to resolve problems in an informal manner and should take a constructive approach to solving concerns or complaints. Consideration should also be given as to whether mediation is appropriate.
- 1.2 Employees are encouraged initially, where they feel able, to seek resolution to their complaint themselves, where possible.
- 1.2 Managers should seek to address and resolve problems and concerns quickly and fairly.

#### 2 Raising a formal grievance

- 2.1 If the grievance cannot be resolved informally an employee should complete the grievance complaint form.
- 2.2 The manager, graded MG3 or above (or manager with delegated authority) must write to the employee within 5 working days, acknowledging receipt of the grievance and explaining the process which will be followed, including confirming the right to be accompanied by a trade union representative or a work colleague and sending a copy of the Grievance Procedure.
- 2.3 The manager will arrange a Formal Grievance meeting to be held within 15 days of receipt of the formal grievance. The manager will liaise with the employee and /or their representative and arrange a suitable date and time for the meeting, giving the employee a minimum of 5 working days' notice, in writing. Any extensions to timescales must be discussed and reasonably agreed by both parties.
- 2.4 Employees are expected to make every effort to be available for any meetings arranged.

#### 3.0 Right to be accompanied

- 3.1 Employees may be accompanied, at all formal meetings, by their trade union representative or a work colleague, who can present their case but cannot answer questions on their behalf. It is the employee's responsibility to inform their trade union representative/work colleague of the details of the Grievance Meeting/Appeal Hearing.

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the first meeting, providing any supporting evidence. The manager who conducted the grievance meeting will be invited to respond to these grounds.

7.5 The manager hearing the appeal will confirm any appeal decision, in writing, within 5 working days of the appeal meeting.

7.6 There is no further internal right of appeal.

## **8 Collective Grievances**

8.1 Collective grievances are where more than two employees have similar complaints and wish them to be addressed in the same grievance process.

8.2 Advice concerning treating a grievance as a collective one should be sought from HR.

## Harrow Council

### Grievance Policy

This policy and procedure is contractual and forms part of the employment contract for employees at Harrow Council. The associated guidance and forms are non-contractual. The policy may be amended at any time in consultation with the trade unions.

#### 1.0 Purpose

- 1.1 The Council expects employees to maintain good relationships with colleagues and members of the public and is committed to the belief that every employee has the right to be treated fairly and with dignity and respect at work, and to work without fear of discrimination, bullying or harassment.
- 1.2 The Council encourages any employee who considers that they have been the subject of any unfair or unjustified treatment to bring this to the notice of management.
- 1.3 The Council will investigate all complaints thoroughly and take appropriate action where necessary.
- 1.4 This policy and procedure provides a framework to enable managers to address employees' complaints in a fair and consistent manner, to ensure complaints are dealt with seriously, and to resolve them as soon as possible.
- 1.5 It has been developed to comply with legal requirements and in accordance with ACAS code of practice and guidance.

#### 2.0 Scope

- 2.1 This policy and procedure applies to directly employed staff excluding schools employees and 'as and when' workers. It does not apply to agency workers, interims or consultants.
- 2.2 This policy and procedure is not applicable in schools, however, it is recommended for adoption by the Schools Governing bodies.
- 2.3 The policy and procedure does not cover:
  - A matter over which the Council has no control
  - An employee who is no longer employed
  - Concerns relating to pay and/or terms and conditions of service, except

## **5.0 Mediation**

5.1 Mediation can play an important role in resolving problems between managers and employees and between employees themselves. It can also be particularly helpful in cases where interpersonal conflict or competing interests form an important element in the situation contributing to the grievance.

## **6.0 Confidentiality and Record Keeping**

6.1 Information disclosed during the process must be treated with sensitivity and confidentially and kept securely in accordance with the Data Protection Act 1998.

## **7.0 Equality and Diversity**

7.1 When dealing with grievances and complaints, managers must ensure that equality and diversity considerations are taken account of at every stage of the process

7.2 Reasonable adjustments will be fully considered for employees who have a disability.