

REPORT FOR: EMPLOYEES' CONSULTATIVE FORUM

Date of Meeting:	17 December 2018
Subject:	Response to an Employees' Side Report on the Housing Directorate
Key Decision:	No
Responsible Officer:	Paul Walker, Corporate Director of Community
Portfolio Holder:	Councillor Phillip O'Dell, Portfolio Holder for Housing
Exempt:	No
Decision subject to Call-in:	No
Wards affected:	N/A
Enclosures:	Appendix 1 – ECF Sub group minutes of 26 th July 2018

Section 1 – Summary and Recommendations

This report sets out the Council's response to a report received from UNISON entitled 'Housing Directorate'.

Section 2 – Report

This report outlines the Council's response to the Employee's side paper, addressing the issues raised and supplying additional information where necessary.

Response by paragraph in the trade union report:

Summary and decision requested by the trade unions

That the structure is for the benefit of the Council and not a select group of employees and that a structure customer focused is designed which is the requirement of the services itself.

That the person is held to full account for reputational damage of LBH by portraying the organisation as a joke – there is no evidence of any reputational damage caused to the Council or its Housing Services contained in the Employee's side report.

Background

DMA

Decision Making Accountability (DMA) is an organisation design tool developed by the Local Government Association (LGA). It has been used by numerous local authorities. It establishes the number of management layers that an organisation requires to achieve its objectives and the decision rights that managers in layers need to be empowered with to deliver against these objectives. It is one factor that has been taken into account when carrying out a review of the management structure in Housing. A sample of over 20 managers in Housing willingly participated in the DMA exercise. The TUs were invited to a drop in briefing session with the LGA in June 2018 to learn more about DMA but chose not to attend.

Disrespectful treatment of GMB Branch Secretary

No manager was disrespectful or dismissive towards the GMB Branch Secretary in meetings. Jon Dalton, Head of Housing Needs simply and respectfully pointed out in a meeting that she had misunderstood the point and was incorrect.

Voluntary Redundancy

There was no reference to voluntary redundancy (VR) within the DMA exercise. A number of individual Housing staff did however, enquire about VR and the Divisional Director stated in response that where voluntary redundancy or early retirement could be supported as part of the management structure reorganisation there would be a willingness to consider applications. It was stated that it might be possible to consider VR as part of the change management process, but only on an individual basis where it made good business sense and was affordable to the Council.

ECF sub group actions

The notes of the meeting are attached at Appendix 1. 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 is not supported by Democratic Services.

Refusal to meet with the trade unions

The Divisional Director of Housing and members of his senior team have met with the TUs on numerous occasions since the last ECF to discuss the management structure review, including a meeting that went through the draft DMA report in its entirety.

Design of the restructure

The Divisional Director chairs the Housing service review programme board of which the management structure review is part. The Divisional Director has led the redesign from the outset working with his direct reports who have designed their own areas but in collaboration with the rest of the senior team. The DMA exercise was commissioned by the Divisional Director who has fronted every meeting where the review has been discussed with managers, staff and residents (all fully documented).

No advantage has been gained by the Heads of Service. It is proposed that this tier reduce from 5 posts to 4 and it was coincidental that one Head of Service left employment with Harrow Council so we could freeze the post pending the outcome of the review. A number of managers in the Housing Service work compressed hours, mainly women with children or other caring responsibilities, and those with other roles in the community (e.g. JP / magistrate). Individuals have agreed these arrangements over time in accordance with the Council's flexible working policies. Managers graded at MG level do not receive flexitime.

Customer Needs

The needs of the customer and the Cabinet decisions that support the need for review of the Housing Service have always been central to the process. The reasons were fully explained to the Trade Unions by the Divisional Director and the then Portfolio Holder Cllr Glen Hearnden from the very first meeting with them in October 2017.

Comments made at a DJC meeting

A senior Housing Manager responded to a question seeking clarification, rather than make a value judgement.

Principles of the restructure

The principles for the restructure are outlined in the draft consultation document. Housing staff are very clear about the serious situation the Services faces. No one has attempted to 'feather their own nest'. The Head of Service posts have now been evaluated twice at grade MG4. This is in line with other council housing landlords and social housing jobs market. Since one Head of Service left employment with Harrow Council in February 2018

and the post was frozen, the other four have picked up the responsibilities without complaint and without seeking additional remuneration because they recognise the Council's situation and behave as Housing professionals are expected to.

Presentation on Homelessness Strategy

The Trade Unions have drawn attention to the front page of a presentation slides on homelessness strategy where the Head of Housing Needs, was referred to as a 'general dogsbody'; possibly a self-deprecating remark as he is the voluntary co-chair of the Association of Housing Advice Services (AHAS). Management accepted that this wording is not appropriate and AHAS were asked to remove this from their website. No other websites or examples of documents containing similar inappropriate language were identified.

High Risk customers

Security and sharing information about high risk customers is being considered by the Corporate Health & Safety Group.

Employment Rules

There is no evidence of any employment rules being broken to protect a select group contained in the Employee's side report.

Current situation

The consultation meeting regarding reorganisation of the management structure in Housing Services has been arranged for 12 December 2018 which will be the start of the formal consultation under the Council's Managing Change policy.

Risk Management Implications

No changes made to working practices or the Managing Change Policy and Procedure that would place the Council at risk.

Legal Implications

None as Management has not varied any contracts of employment.

Financial Implications

No financial implications as the training on the Homelessness Reduction Act 2017 and the DMA project have been undertaken within existing resources.

Equalities implications / Public Sector Equality Duty

None the training provided and the use of the DMA process does not impact on equalities and the public sector equality duty.

Council Priorities

The Council's vision:

Working Together to Make a Difference for Harrow

Section 3 - Statutory Officer Clearance

Name: Dawn Calvert

Chief Financial Officer

Date: 5 December 2018

Name: Hugh Peart

Monitoring Officer

Date: 6 December 2018

Section 4 - Contact Details and Background Papers

Contact:

Nick Powell
Divisional Director – Housing Services

Nick.powell@harrow.gov.uk

Background Papers: None

Appendix 1

Notes of ECF Sub-Group 26 July 2018

Attendees:

Adam Swersky	Chair and Resourcing Portfolio holder
Mina Parmar	Resourcing Shadow Portfolio holder
Ann Jones	GMB
Pamela Belgrave	GMB
Gary Martin	Vice Chair/UNISON
John Royle	UNISON
Varsha Patel	UNISON
Alex Dewsnap	Divisional Director Strategic Commissioning
John Kitching	Interim Head of Employee and Customer Relations
Natalie Powers	Employee Relations Team Leader
Paul Walker	Corporate Director - Community
Nick Powell	Divisional Director – Housing Services
Jon Dalton	Head of Housing Needs
Folake	Head Teacher – Weald Rise Primary School
Agbaniyaka	
Anne Lyons	NAHT Union representative

Gary Martin was elected as vice chair of the ECF Sub Group Meeting.

	Agenda Item	Action
1.	Housing Restructure GM presented his case: <ul style="list-style-type: none">• Housing department is acting outside of Harrow agreed processes.• There has been a unilateral change (50% reduction in staff duties).• Failure to follow recognition agreement.• Failure to comply with admin regulations• Enter a Buckinghamshire County Council process, DMA (a.k.a. spans of control exercise). This was introduced by the previous HRD Director with little success.• UNISON and GMB object to the DMA and that it should not be subject to the consultation process.• Unclear the weight it carries.• Deviating from process.• Management respect is non-existent	

- They're on higher salary
- Work from home
- Failure to negotiate with the trade unions

Management response:

Nick Powell and John Dalton presenting:

- Management do not agree that there has been a unilateral change to staff terms and conditions or a 50% reduction in staff duties.
- Change was brought about by the new statutory duties
 - New personalise action plans.
 - Housing needs staff still working under the same role profile/salary
 - Training was provided to staff
- GMB sent an email dated 14/02/18 and a response was provided. Concerns were also raised at the Community directorate CJC meeting.
- Decision making and accountability:
 - Pressure of housing accounts
 - 1% cut from government funding
 - HRA
 - Generate income
- Management structure review was initially raised in October 2017.
- Decision making tool was suggested by BCC, which is the same principles as the spans of control.
 - An exercise was carried out via the Community DJC.
 - All Staff were involved
 - DMA is an LGA tool that is used by a number of local authorities e.g. Tower Hamlets, BCC
- Confirmed that the managing change process will be adhered to.

Amanda Buchanan:

- The DMA exercise does not look at people but roles. Works

from frontline staff up. It does not take into account redundancies.

John Kitching

- The DMA is an LGA tool. It has nothing to do with BCC or the managing change policy and procedure, or making redundancies.

Gary Martin

- Referred to the last paragraph in Section 1 of the summary.
- Query union engagement. Highlighted engagement with GMB on 14/02/18 then UNISON on 03/05/18 and queried why there has been a gap of 2 months.

John Dalton

- No change of roles of the staff you are referring to changes in government legislation.
- No restructure has happened at present
- Only change to how staff move from one team to another.

Nick Powell

- Reasonable management changes in response to the change in legislation.

Gary Martin

- Queried the Head of Housing Needs response to GMB and that there is a lack of engagement with both of the unions.

Adam Swersky

- What prompted the email from GMB

Pamela Belgrave

- Members came to GMB regarding concerns about the DMA process. They did not understand the type of work that they would be involved in (Prevention or assessment)

Councillor Mina Parmar

- How did staff validate these issues e.g. did they raise a grievance?

Pamela Belgrave

- Staff wanted to submit a grievance.

Gary Martin

- GM reads an email out from one of his members, regarding the confusion of being managed by 2 different managers.
- The recognition agreement is clear.
- Members have a right to representation
- Why were they not recognised, under the recognition agreement?

Alex Dewsnap

- Clarification
- Training on New Act and the implication on staff
- Engagement relating to the changes.
- Learning!

Gary Martin

- Expressed concerns with the way how the directorate has engaged
 - Failing to consult
 - Taking reasonable action
 - Ignorance that UNISON have to prompt a director to consult
- David Perry said this organisation is committed to consulting
- HR and Housing have failed to consult.
- Current duties – implied terms and duties to be carried out
- Changes made – staff consulted

Pamela Belgrave

- Staff are not happy
- Not meeting targets
- Managers and staff not understanding what should be done or how they're working.

Paul Walker

- It's clear that there has been communication with GMB
- 26th April 2018, there was a Community DJC where Nick

Powell followed up the meeting with information, was this followed up with UNISON?

- Housing genuinely engage with both unions via DJC meetings
- On reflection we could have done things differently.

Gary Martin provides the Chair with a document for John Dalton and Nick Powell to see.

Nick Powell

- Reasonable management actin regarding changes in legislation made decisions in good faith.
- Happy to accept if they have breached recognition agreement, however it is unclear how.

Pamela Belgrave

- Was advised a swap was to take place every 6 months. However on 30/07/18 was advised something different.

Gary Martin

- We took action in the best interest of customer and the service. No mention of staff.
- Major change – you need staff support.

Paul Walker

- Can we take this back a few steps and engage with staff

Gary Martin

- UNISON extremely concerned that staff are only doing 50% of their role in this financial climate and the unions were not engaged.

Gary referred to page 3 relating to the housing leadership group.

- A letter was sent to staff and the unions had not received a letter out of courtesy
- At DJC Paul Walker gave a clear instruction that Amanda Buchanan and Nick Powell would engage on the DMA

Amanda Buchanan

- Advised that she did respond to the unions however they were not happy with her response.
- The current structure is management heavy; this was the

feedback that was received from staff.

Pamela Belgrave

- Is of the view that there was no engagement
- Only became aware following an email that was sent to all affected staff, from Hina

Nick Powell

- Did advise the unions they were looking at the top tier and decided to use the DMA tool

Pamela Belgrave

- Staff were advised that they can request redundancy

Amanda Buchanan

- DMA focus on the service design

Alex Dewsnap

- Two issues are presented here: downsizing and formal request for redundancies

Gary Martin

- The housing notes, from 10/7/18, refer to Voluntary and Compulsory redundancies.
- At DJC it was advised that there will be a reduction in headcount
- Housing need to follow the managing change policy
- Housing need a communication strategy
- There should be full engagement with the unions from management and HR, as per the recognition agreement.

Pamela Belgrave

- Advised that staff were asked "Who do you want to see go?" during the DMA

Amanda Buchanan

- Amanda said she will take this forward as this was not the agreement.

	<p>Nick Powell</p> <ul style="list-style-type: none"> • Aiming to launch consultation at the end of September • Implement new structure in 2019 • Redesign structure and review role profile <p>Gary Martin</p> <ul style="list-style-type: none"> • Slides were presented to the staff that said “next steps”. • Is of the view that management have enacted a process where there were no discussion/slides regarding the change management process. <p>John Kitching</p> <ul style="list-style-type: none"> • Asked for clarity on the Gary’s concern. <p>Adam Swersky</p> <ul style="list-style-type: none"> • Challenging the process, the management review running parallel with another process <p>Pamela Belgrave</p> <ul style="list-style-type: none"> • Raised concerns regarding the ICT role, being paid £450-£500 per day. <p>Nick Powell</p> <ul style="list-style-type: none"> • Was of the view that there was no one in house that had the skills to fulfil this role for 6 months. <p>Gary Martin</p> <ul style="list-style-type: none"> • Requirement to engage with the unions • UNISON and GMB formally request that this is looked into further (independent investigation) • Will take this matter further, if it is not looked into. 	
2.	<p>Weald Rise</p> <p>Pamela Belgrave presented case on behalf of GMB and UNISON, and raised a number of concerns:</p> <ul style="list-style-type: none"> • Shambolic actions • Financial concerns • Reduce the number of Teaching Assistants (TA’s) • HR1 form not completed • Trade unions did not receive documents relating to the 	

restructure

- GMB and UNISON have not been engaged
- Request for ACAS intervention
- Question the reluctance to engage

Anne Lyons:

- Folake [the Head teacher] amalgamated the school following a poor Ofsted report and had to expand the school.
- There has been a huge loss of pupils, due to the cost of living/social housing
- Pupil numbers have dropped across the whole authority
- Fall in budget, which is largely based on pupil numbers
- There is a funding crisis and schools have had to manage this.
- Teacher recruitment crisis
- The school went through a transparent process
- The Head has worked with the governing body
- The unions were engaged, paperwork was sent to the unions 7 days before the launch of the consultation.

John Kitching:

- Confirm that the HR1 form was not a requirement for the School to complete one

Gary Martin:

- Schools form part of the local authority and therefore there is a requirement to complete one.
- Region have requested why a HR1 form has not been completed

John Kitching:

- Advised that there is case law to confirm schools are considered as a separate establishment

Gary Martin:

- Advised that HR did not send out the consultation documents.

Anne Lyons:

- Stated that the Head teacher would normally send the documents out

Gary Martin:

- Advised that the Head teacher did not send the documents until CJC
- Queried the dates in the consultation document
- Queried the policy that was used, did not receive the policy that was used until 16/5/18 (after the consultation had ended)

and it does not apply to school staff

- No meaningful engagement
- Article 11 HRA – promote collective bargaining
- Landmark decision was made in 2008
- Legal Case:
 - No policy provided
 - No extension of policy
 - HR did not offer proper paperwork
 - No idea how the policy went

John Kitching:

- Wanted to confirm that “we” were not trying to undermine the union
- HR4Schools website is not fit for purpose and is currently undergoing a process to review
- There were 2 redundancy appeals and both had been retracted

Gary Martin:

- In section 2.1 of the policy refers to Council staff, not schools
- Who is the author of the policy on HR4Schools
- Letter was sent to Leah Barber
 - Sham redundancy
 - Representation could not be provided
 - Unclear of the redundancy matrix that was used
 - Legal matter