

EMPLOYEES' CONSULTATIVE FORUM MINUTES

29 JANUARY 2020

- | | | |
|-------------------------------------|---|---|
| Chair: | * Councillor Adam Swersky | |
| Councillors: | * Camilla Bath
* Philip Benjamin
Pamela Fitzpatrick | * Angella Murphy-Strachan
* Mina Parmar
* Varsha Parmar (2) |
| Teacher
Representatives: | † Ms L Crimmins
† Ms A Lyons | - NUT
- NAHT |
| Unison
Representatives: | * Mr G Martin
* Mr J Royle | * Mr D Searles |
| GMB
Representative: | * Ms P Belgrave | |
| In attendance: | Ann Jones (GMB)
John Noblemunn (Unison) | |

- * Denotes Member present
- (2) Denotes category of Reserve Member
- † Denotes apologies received

20. Attendance by Reserve Members

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

Ordinary Member

Councillor Graham Henson

Reserve Member

Councillor Varsha Parmar

21. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Councillor Adam Swersky, a member of the Forum, declared a non-pecuniary interest in that he was a Portfolio Holder for Finance and Resources. He would remain in the room whilst the matters were considered and voted upon.

Councillor Angella Murphy-Strachan, a member of the Forum, declared a non-pecuniary interest in that she was a member of the Teachers' Union, NASUWT (The National Association of Schoolmasters' Union of Women Teachers). She would remain in the room whilst the matters were considered and voted upon.

22. Appointment of Vice-Chair

RESOLVED: That Davis Searles (Unison) be appointed as the Vice-Chair of the Forum for the Municipal Year 2019-20.

23. Minutes

RESOLVED: That the minutes of the meeting held on 30 January 2019 be taken as read and signed as a correct record.

24. Petitions

RESOLVED: To note the receipt of the following petition which was referred to the Corporate Director of Community for consideration:

Petition to Stop Any Act of Trade Union Discrimination by Association

Mr Steve Compton, presented the petition signed by 105 people with the following terms of reference:

"We, the undersigned, are all frontline staff employed at Central Depot Forward Drive urge this Labour Administration who profess to be the party of the working class to act now to ensure that a clear and unambiguous written statement is communicated to all of their Senior Officers that discrimination whether it be direct, indirect or by association will not be accepted by this Labour Administration and that all wrong doers are held to account for their discriminatory practices whenever they occur ... whoever they are. Therefore we the undersigned call for the Head of Commissioning and Business Development Commissioning and Commercial Services to face disciplinary action for this deliberate act of discrimination".

25. Deputations

RESOLVED: To note that no deputations had been received.

26. Public Questions

RESOLVED: To note that no public questions had been received.

RECOMMENDED ITEMS

27. INFORMATION REPORT - Draft Revenue Budget 2020/21 and Medium Term Financial Strategy 2020/21 to 2022/23

The Forum received a report of the Director of Finance which set out the draft Revenue Budget 2020/21 and Medium Term Financial Strategy (MTFS) 2020/21 to 2022/23, as reported to Cabinet at its meeting held on 9 January 2020. The Forum was informed that the budget and MTFS would return to Cabinet, which would submit its recommendation to full Council in February 2020 for final approval. The Director explained that this was the formal consultation process on the budget with the ECF, whose comments (if any) would be submitted to the February 2020 meeting of the Cabinet by inclusion of this minute as an appendix to the Budget Report.

The Forum welcomed the report and acknowledged the comprehensive discussions held with the trade unions in preparation of the budget.

Resolved to RECOMMEND: (to Cabinet)

That the report be noted and recommended to February 2020 Cabinet meeting for final approval and recommendation to Council.

RESOLVED ITEMS

28. Employees' Side Report on: HRD

The Forum received a submission from the Employees' side in relation to UNISON's view that Harrow Council had failed to comply with the Transfer of Undertakings (Protection of Employment) Regulations 2006, in particular Regulation 16 (Duty to inform and consult representatives) and 14 (election of employee representatives). In addition, the Employee's side was of the view that the Council failure to comply with the Employment Rights Act 1996 had led to a single redundancy progressed without any consultation with UNISON. The submission at agenda item 8 was considered in conjunction with the response report from the Interim Director of HR at agenda item 9.

The Chair then invited the Management to present their Response Report. The Interim Head of HR, Resources and Commercial, outlined the response at agenda item 8 and advised that responsibility to consult rested with the employer and the overall decision was in line with regulation guidelines. However, he acknowledged that some failures in the process had occurred and agreed that more could have been done to consult with Harrow UNISON.

In response to a question on next steps and future changes, the Interim Head of HR, Resources and Commercial, stated that the Council had been working towards building a good relationship with the trade unions and a better understanding of each other's positions and added that there was commitment to continue to improve in the long term.

A Council side representative noted that there was a 13 year gap between the point when regulations came into force (2006) and when the situation arose (2019). A concern was therefore expressed that issues with lack of consultation had persisted despite the long period of implementation and a question was raised on the likelihood of it arising again. In response, the Interim Head of HR, Resources and Commercial explained that there was discussion about a potential TUPE and that the Council was keen to work with unions and avoid future problems.

A UNISON representative reminded the Forum about the obligation to consult and stated that no written correspondence was received by Harrow UNISON which instead was sent directly to Buckinghamshire County Council. The same UNISON representative added that despite commitments given at the last Employees' Consultative Forum meeting, consultation hadn't improved and the same issues were continuously re-occurring, highlighting the need of a more meaningful consultation. In response, the Interim Head of HR, Resources and Commercial stated that issues were taken seriously and that the Council welcomed the bringing of HR services back in house.

RESOLVED: That the report and the comments made in the preamble above be noted.

29. Response to Employees' Side Report on: HRD

See minute item 28.

30. Employees' Side Report on: Housing Needs

The Forum heard a report from an Employee side representative on the possible restructure of Housing Needs, which was deemed to be pre-empted by Housing Needs Managers in order to benefit certain employees in advance of the restructure, with two managers at G11 having their jobs re-evaluated to scale MG1 in 2019. The submission at agenda item 10 was considered in conjunction with the response report from the Interim Director of HR at agenda item 11.

A Management response was then received, stating that evaluations were in line with the Council's HR policy and advising that re-evaluations were carried out due to operational requirements. The Forum was reminded that no restructure was being planned in Housing Needs in the foreseeable future but some re-alignments might take place. The Forum was also informed that according to Council's HR policies there was no requirement for a restructure in order for a job evaluation request to be triggered. It was added that the suggested outcome would be for Housing Needs to investigate the matter further and demonstrate how the job evaluation policy had been complied with.

An Employee side representative asked when the Council formally notified Trade Unions about the restructuring, pointing out that communication with Harrow UNISON had been limited to a single email received three weeks ago. In response, the Forum was assured that consultation with the Unions was carried out in time of the previous housing re-organisation.

The Forum heard that an external peer review would be carried out as required by the Portfolio Holder for Housing, which would include full consultation. Staff had been notified on 14 January 2020 and the Council intended to meet with the Trade Unions on 20 February 2020 as part of the process.

In response to questions on the cost of the review, an officer advised that an exact estimate could not be provided at present but assured the Forum that the intention was to keep costs to a minimum. Forum members were informed that the external body would likely to be the same as the one previously used by the Council, which was accredited and supported by central government, although other equally suitable options were available.

The Divisional Director for Housing Services re-iterated that there were no plans to restructure Housing Needs. A peer review, however, was necessary and as part of this the Council would engage with the Trade Unions. There were no specific saving targets attached to the service review - instead the focus was primarily on service requirements and Council homelessness and rough sleeping objectives being met. The operational requirement was not driven by flexible retirement and the re-evaluations of the two posts were on permanent basis. However, the Council was happy to investigate the Union's concerns further.

A UNISON representative challenged the response, stating that evaluations were being done to cover the post of personal retirement and that it was not acceptable for the Council to agree flexible retirement at a cost to the business. The Forum was also reminded of the requirement to submit a business case to support such decision which was not completed and as a result due process was not followed. Furthermore, the Council had failed to identify any savings as a result of the proposed restructure. It was pointed out that Harrow UNISON had not received any paperwork and as a result it was felt that the outcome of restructure was not clear.

A further point was raised by an Employee side representative who added that staff at the Council's Depot had not had any job re-evaluations carried out despite a number of requests being submitted and reminded the Council that policy should be applied fairly and equally to all Council employees. Furthermore, representatives questioned what duties had been identified and added to justify the need for re-evaluation. The Interim Head of HR, Resources and Commercial acknowledged the comment but explained that requests for job re-evaluation may not necessarily result in one. It was further explained that there had been an increase in duties and a significant effort on behalf of the service was required to cover the post in the interim. Officers undertook to share further details on those duties with Trade Unions following the ECF meeting.

A Council side representative expressed concerns over the possibility of an individual on flexible retirement benefiting financially from the process and that it appeared that the entire system needed a comprehensive review. In response, it was explained that the above mentioned flexible retirement was not a driver for the subsequent job revaluations. Instead, it was confirmed

that a part time post had been vacant for a period of time, and due to it not being filled in yet, staff had had to act up to cover the work.

The Chair acknowledged that the comments made by both Employee and Council side representatives throughout the discussion reflected the overall disappointment on the lack of proper consultation. He continued by saying that the current issue demonstrated the implications of not following due process and that the need for significant changes had to be recognised.

RESOLVED: That the report and the comments made in the preamble above be noted.

31. Response to Employees' Side Report on: Housing Needs

See minute item 30.

32. Employees' Side Report on: Commercial Activities

An Employee side representative introduced the item which set out Harrow UNISON's view of the Council's failure to consult trade unions over plans to conduct a review of commercial activities which support the Community Directorate's targets to reduce impact of budget reductions on staff. The submission at agenda item 12 was considered in conjunction with the response report from the Interim Director of HR at agenda item 13.

In response, the Interim Head of HR, Resources and Commercial advised that the Council was in the process of arranging a briefing to discuss the issue and regular meetings would be set up to supplement the process. An officer also added that it was important to have sound information basis and advised that the Department was engaging in positive conversations with the Trade Unions.

An Employee side representative stated that reviews should allow for early engagement through the relevant consultation forums of the Council – something that was not evident in this case. Concerns were also expressed over the breakdown in communications between the Council's senior management and Trade Unions, thereby highlighting that fundamental issues with scheduled reviews remained and consultation must be prioritised in order to prevent such issues from happening again.

An Employee side representative enquired about a recent project on commercial activities from the Council's Communities Directorate and whether that was making profit. In response, the Interim Director of Environmental Services stated that the financial review had not been completed yet and no other steps had yet been undertaken. Answers were expected in the upcoming weeks and assurances were given that engagement with trade unions would take place as soon as possible.

The Corporate Director of Community added that there had been considerable underperformance and more clarity was needed on the level of underspend. As a result the Council was focusing on three key areas – 1) identification of £1.3m worth of additional income, (2) savings of further £700k

and (3) in year under performance across number of key areas. He expressed commitment to consult formally with trade unions and informed the Forum of a meeting scheduled to discuss areas of improvement.

An Employee side representative acknowledged the above points but noted that majority of savings were directed at operational staff. Staff at lower pay scales was subject to more scrutiny and this was of a concern to trade unions. In response to a question on whether all jobs should be outsourced, officers advised that the statement was founded on rumours and that it was the pursuit of savings was not solely staff focused. Although areas for improvement remained, the Forum was assured of the Council's commitment to preserve in-house delivery of services and ensure they were operational within the appropriate time scales.

Addressing an Employee representative's comments regarding recent communication received by Harrow UNISON informing that an external company would be taking over the Depot and the insufficient information shared with unions on this, the Chair stressed that these were based on rumours and asked officers to undertake further discussions with the Trade Unions following the meeting.

The Chair further re-iterated the Council's commitment to bringing services back in house and shared his belief in staff's professionalism and ability to deliver a good service to residents as well as achieving commercial benefits, despite working in the context of continuous budget cuts.

RESOLVED: That the report and the comments made in the preamble above be noted.

33. Response to Employees' Side Report on: Commercial Activities

See minute item 32.

34. Health & Safety Report Annual Report

The Forum received an information report from the Corporate Director of Community, which summarised the Council's health and safety performance for the year 1 April 2018 to 31 March 2019. The report gave an overview of health and safety for 2018-19 financial year, including updates on activities and outcome of measures.

By way of introduction, an officer highlighted the following key points:

- No enforcement action had been taken by the Health and Safety Executive in 2018/19.
- Significant increase in incident reporting, mainly in schools (73%), where a lot of work had been undertaken by the Corporate Health and Safety team.

- Decrease in number of RIDDOR incidents (Reporting of Incidents, Diseases and Dangerous Occurrences Regulations).
- Development of Health and Safety Strategy 2019-22, set out in Appendix 3 to the report.

In response to a question on mitigation measures taken to address the increase in incident reporting, an officer advised that there had been training for senior managers which was almost complete. It was clarified that the volume of incidents was not unusual but the contrast was more noticeable this year as there had been more reporting. Majority of the reported incidents originated from schools, with a number of incidents relating to cases of SEN. The Council was liaising with schools to try and mitigate these issues. Furthermore, walkabouts were also being carried out but impact from these required a wider cultural change. About 80% of scheduled walkabouts have been completed, with the remaining due to be completed in the next 8 weeks.

Referencing p.8 paragraph 2.41 of the report, an employee side representative enquired about the work which was being done to address Personal Protection Equipment (PPE) matters. In noting that reality at work often differed from that depicted in reports and emphasising on the lack of practical change, Union representatives pointed out that much of the PPE currently provided to staff was not suitable for the work they carried out and further assurances were needed that this would be resolved accordingly. In response, the Interim Director for Environmental Services expressed his commitment that PPE was seen as high priority and noted the importance of it being fit for purpose and informed the Forum that work on safety was already under way with Council directorates.

An Employee-side representative expressed concerns of the lack of policy on protecting staff from assault and accusations alongside consideration of staff mental health needs and a review of the relevant council programmes to ensure the adequacy of the support offered. The Interim Director for Environmental Services acknowledged the comments and stated that further work had to be done on policy and procedures. In the interim, the Council was focusing on consultations and identify joint agreement on provisional solutions.

A further comment was made by a Council side member who remarked on the need to provide frontline staff with further protection during working hours, through implementation of measures such as installation of protective glass screen for reception staff or introduction of a limited entry system to the council offices. Officers acknowledged the comments and suggestions on enhancing security but noted that enhancing security for staff had to be offset by finding a balance through the provision of accessible and professional service to local residents. Officers undertook to continue identifying health and safety risks and respective mitigations and share these as appropriate with the ECF.

RESOLVED: That the report and the comments made in the preamble above be noted.

35. Actions Agreed by the ECF Sub-Group

RESOLVED: That detail on actions agreed by the ECF Sub-group be presented at the next Employees' Consultative Forum meeting.

36. Any Other Business

RESOLVED: That a date for an additional meeting of the Employees' Consultative Forum be identified and shared with Members. It was also agreed that efforts be made to schedule the meeting before 23 March 2020 to avoid potential restrictions from the upcoming Greater London Authority (GLA) elections.

(Note: The meeting, having commenced at 7.37 pm, closed at 9.08 pm).

(Signed) COUNCILLOR ADAM SWERSKY
Chair