

**REPORT FOR: EMPLOYEES'
CONSULTATIVE FORUM**

Date: 23 September 2010

Subject: **INFORMATION REPORT –**
Response To Employees' Side Report On
'Early Engagement'.

Responsible Officer: Jon Turner, Divisional Director Human
Resources & Development

Exempt: No

Enclosures: Appendix 1 – Extract from the notes of the
Corporate Joint Committee on 12 February
2010

Appendix 2 – Letter dated 16 February 2010
from Harrow UNISON Branch Secretary to
Divisional Director, Human Resources &
Development

Appendix 3 – Letter dated 19 February 2010
from Divisional Director, Human Resources &
Development to Harrow UNISON Branch
Secretary

Appendix 4 – Better Deal for Residents
Engagement Principles signed off at the Better
Deal for Residents TU Forum 13 July 2010

Appendix 5 – Better Deal for Residents TU
Forum Issues Log

Section 1 – Summary

This report sets out the officer response to the employees' side report on
'Early Engagement submitted to this special meeting of the Forum.

FOR INFORMATION

Section 2 – Report

Background

- 2.1 The TU side has submitted a series of reports to the Employees Consultative Forum on the issue of 'early engagement'. At its meeting on 30 June 2010, the Forum's agenda included reports from the employees' side and council officers on 'Procurement Agreement [Early Engagement]'. However, the TU side withdrew their report at the meeting.
- 2.2 In summary, the TU side does not agree with the Council's current position on early engagement. As a consequence, the TU continues to raise complaints and objections to the arrangements for formal consultation on projects in the Council's Better Deal for Residents (BDfR) Programme.

Council's Position on Early Engagement

- 2.3 In a previous report to the Employees Consultative Forum on 26 January 2010; the Divisional Director, Human Resources & Development (HRD) explained that the agreed principles for engagement and working with our recognised trade unions on employment issues are set out in the Council's Recognition and Procedural Agreements with GMB and UNISON, the Protocol for Managing Organisational Change and the terms of reference of the Council's consultative fora.
- 2.4 The Protocol for Managing Organisational Change (the Protocol) sets out the Council's agreed principles and processes for managing organisational changes. A copy of Appendix 1 of the Protocol, which deals with employee & trade union consultation is attached at Appendix 1.
- 2.5 The TU side have sought clarification as to what early engagement means, specifically in the context of the BDfR programme. This issue was discussed at the Corporate Joint Committee (CJC) on 12 February 2010 when the Divisional Director, HRD advised that the Portfolio Holder for Performance, Communication and Corporate Services had already given a decision on this and that this had been confirmed to UNISON by the Chief Executive and other officers.
- 2.6 On 16 February, the Harrow UNISON Branch Secretary wrote to the Divisional Director, HRD reiterating their request that the Council engage with trade unions at an earlier point, as well as raising wider concerns including the Divisional Director's involvement with the West London Alliance (of London Boroughs). A copy of the Branch Secretary's letter is attached at Appendix 2

- 2.7 In his reply to the Branch Secretary's letter, dated 19 February, the Divisional Director, HRD referenced a conversation that they had following the CJC when he had confirmed the Council's position which he summarised as follows: *'the Council's position on engagement on Outline Business Cases is that it will engage staff and recognised trade unions in the development of Outline Business Cases arising from the Better Deal For Residents programme.'* In his response the Divisional Director, HRD also addressed the wider concerns that had been raised. A copy of the Divisional Director's letter is attached at Appendix 3
- 2.8 Most recently, in July 2010, the BdR TU Forum (see 2.14 below) agreed Engagement Principles which identify that engagement with staff and recognised trade unions will take place in the development of Outline Business Cases. A copy of the Principles and associated flow chart is attached at Appendix 4.
- 2.9 Despite agreeing the Engagement Principles, in their report, the TU side state they consider that 'early engagement' should occur at the Strategic Business Case (SBC) stage.
- 2.10 SBC are designed to explore at 'high level' potential areas which could result in service improvements / efficiencies. By definition they consider 'strategic' options and inform decisions about whether further and more detailed analysis should be undertaken. SBC provide the Council with a 'protected space' in which the wider implications of options can be considered. Consequently, SBC may be rejected, or their terms of reference significantly changed prior to development of an OBC.
- 2.11 To address the TU concerns, strategic meetings have been established for the trade union to meet with the Council Leader and Chief Executive to deal with the issues of early engagement, without getting involved in detailed discussion.
- 2.12 The TU are also informed of areas where SBC are being developed and staff are often engaged in the development process. However, more formal engagement or consultation is not warranted owing to the speculative nature of SBC. Additionally, the TU already claim to be stretched in meeting the demands of engagement at OBC stage (see 2.12 below), which would only be exacerbated by a commitment to a greater involvement in development of SBC.
- 2.13 Development of an OBC involves more detailed analysis and evaluation of options and the Council has therefore agreed that the TU be formally engaged at the OBC stage.

TU Capacity

- 2.14 The TU report claims that the Corporate Director, Community & Environment Services has taken an '*overload approach*' to consultation. Officers recognise the significant scale and pace of the BDfR Programme, which is being driven by the wider economic impact on the Council. Consequently, the Council agreed funding to provide additional capacity for the TU through the full time secondment of a TU representative in to the Joint Secretary role.

Better Deal for Residents (BDfR) TU Forum

- 2.15 The BDfR TU Forum is the forum established for consultation with the trade union on the BDfR Programme. It is chaired by the Corporate Director, Community & Environment Services and its regular membership includes the Joint Secretary and branch officers from the GMB and UNISON.
- 2.16 The TU assert, in their report to the Employees Consultative Forum, that they have been '*mislead*' (sic) and that the Corporate Director, Community & Environment Services, who is Chair of the BDfR TU Forum, has '*moved the goalposts on engagement*'. This is factually incorrect. The Corporate Director, Community & Environment Services and other Officers who attend and support the BDfR TU Form have repeatedly confirmed and adhered to the Council's position of formal engagement with the TU at OBC stage as set out above.
- 2.17 Moreover, the agreed Issues Log, from the BDfR TU Forum demonstrates that the Chair and Officers who support the BDfR TU Forum have made all reasonable efforts to ensure that the TU have had access to the additional information they have requested and that issues raised by the TU have been resolved within a reasonable timescale. A copy of the Issues Log from the BDfR TU Forum is attached at Appendix 5
- 2.18 It is also important to note that the Council has complied with all relevant statutory consultation requirements relating to the workforce.
- 2.19 Despite the best efforts and intentions of the Chair and Officers who support the BDfR TU Forum, the significant scale and pace of the BDfR Programme means that there have been occasional breakdowns in communication or problems with timing. When these have occurred, the Chair has acknowledged them and sought to agree how best they can be resolved. However, rather than recognise the efforts of the Chair and Officers to address these issues, the TU report seeks to portray these as deliberate actions by the Chair of the BDfR TU Forum, which is both unjustified and unreasonable.

2.20 Further the TU assert that ‘*The ‘position of the Chair conflicts with the commitment of the new Labour Administration and Chief Executive Officer’.* This is again incorrect as the Chair has consistently promoted and adhered to the Council’s position as set out above.

2.21 It is clear that the TU disagree with the Council’s position on early engagement. However, it is regrettable that in pursuing this issue the TU have chosen to express this as ‘*a lack of trust*’ in the Chair of BDfR forum; which disregards the valuable and constructive work undertaken by the Chair to foster positive industrial relations.

Resolution Sought by the TU

2.22 The TU report states: ‘*UNISON and the GMB request that the Chair of the BDfR Forum adheres to the principals and agreements of engagement or steps down from the position.*’

2.23 Based on the evidence set out in this report, Officers remain of the view that the Chair of the BDfR Forum has adhered to both the Council’s formal agreements and expressed position for engagement of the TU through the BDfR Programme. Consequently, there are no grounds to change the current arrangements for chairing the BDfR TU Forum.

Section 3 – Further Information

None

Section 4 – Financial Implications

None

Section 5 – Corporate Priorities

N/A

Name: Steve Tingle.....	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 15 Setember 2010.....		

Section 6 - Contact Details and Background Papers

Contact: Jon Turner, Divisional Director Human Resources & Development

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Background Papers:

Reports on 'Agreement To Early Consultation' and Minute 193 – Employees Consultative Forum, 26 January 2010

<http://www.harrow.gov.uk/www2/ieListDocuments.aspx?CId=265&MId=4652&J=2>