

**REPORT FOR: EMPLOYEE  
CONSULTATIVE FORUM**

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**Date of Meeting:** 10 OCTOBER 2011

**Subject:** **INFORMATION REPORT –**  
Contractual status of employment  
policies and procedures

**Responsible Officer:** Jon Turner, Divisional Director, Human  
Resources & Development and Shared  
Services

**Exempt:** No

**Enclosures:** Agenda Item 9 report to ECF on 25 January  
2011 – Non-contractual employment  
procedures

## **Section 1 – Summary**

This report sets out the progress to achieving agreement with the unions on the Portfolio Holder's decision that employment policies be contractual and the associated Best Practice Notes and Toolkits be non-contractual.

The Portfolio Holder additionally asked that officers work with the unions to agree what features in policy (contractual) and what features in Best Practice Notes and Toolkits (non-contractual).

**FOR INFORMATION**

## **Section 2 – Report**

1. Consultation with the unions about developing non-contractual procedures started in October 2009. A full chronology was presented to ECF on 25 January 2011 and is included as Appendix A of the attachment to this report.
2. The Portfolio Holder's decision, published on 15 September 2010, was that employment policies be contractual and the associated Best Practice Notes and Toolkits be non-contractual. Currently, three procedures are fully non-contractual – Dignity at Work, Conduct and Capability.
3. In his decision, the Portfolio Holder asked that officers and the unions seek to agree what features in policy (contractual) and what in Best Practice and Toolkits (non-contractual).
4. At the 25 January 2011 meeting it was noted that progress to reaching agreement had stalled. It was resolved that meetings be established to make progress and to report back to the next Forum. A number of constructive meetings have been held with the unions since ECF in January 2011. These resulted in:
  - a. a formal proposal to the unions on 4 April 2011 based on the outcome of the discussions to that point;
  - b. a request from the unions for modifications to be made which resulted in a modified formal proposal on 31 May 2011;
  - c. a request from the unions to a second model of the new approach, one having already been provided earlier in the year. This was provided just prior to the ECF meeting on 6 July 2011;
  - d. a request by Unison on 3 August 2011 for further changes which were informally accepted by officers on that date.
5. The modified formal proposal made on 31 May followed discussions which had led management to believe that, at least informally, agreement would be reached. Although both unions had indicated that they would consider at their branch meetings and, in the case of Unison, ballot their members, no agreement or otherwise has been received from the unions.
6. An extended deadline of 25 August 2011 (i.e. almost 3 months from the date of the 31 May modified formal proposal) was provided to the unions for a response. No response was received from either union by that date. As negotiations are therefore considered to be exhausted, the matter will be referred back to the Portfolio Holder for consideration.

## **Section 3 – Further Information**

None

## **Section 4 – Financial Implications**

There are no financial implications relating to this report.

## **Section 5 – Corporate Priorities**

The report relates to employment policies for Council employees and as such supports delivery of all corporate priorities.

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 21 September 2011		

## **Section 6 - Contact Details and Background Papers**

**Contact:** Lesley Clarke, Organisational Development Manager, HRD & Shared Services, 020 8424 9309

Background Papers: None