

**REPORT FOR: EMPLOYEE  
CONSULTATIVE FORUM**

---

**Date of Meeting:** 25 January 2011

**Subject:** **INFORMATION REPORT –**  
Non-contractual employment  
Procedures

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

**Exempt:** No

**Enclosures:** Appendix A – Consultation Timeline

Appendix B – Copy of letter setting out  
management’s response dated 6<sup>th</sup>  
January 2011

Appendix C – Copy of letter setting out  
Unison’s response dated 12<sup>th</sup> January  
2011

**Section 1 – Summary**

This report provides an update on consultation with Unison and GMB to implement the Portfolio Holder decision that, employment polices be contractual and the associated Best Practice Notes and Toolkits be non-contractual.

**FOR INFORMATION**

## **Section 2 – Report**

This information report provides an update on the current position of consultation with Unison and GMB to implement the Portfolio Holder decision that employment policies be contractual and the associated Best Practice Notes and Toolkit non-contractual.

Consultation about developing non-contractual procedures has been taking place since October 2009. A full chronology is attached at Appendix A, previous ECF reports are referenced in the background papers.

Following the Portfolio Holder decision published on 15<sup>th</sup> September 2010, initial meetings with GMB and Unison took place on 24<sup>th</sup> September however, at a follow up meeting on 1<sup>st</sup> October, both Trade Unions withdrew from the process stating, that they were not prepared to enter into discussions about all employment policies.

Following the ECF meeting on 27<sup>th</sup> October 2010, joint meetings with Unison and GMB were held on 1<sup>st</sup> and 26<sup>th</sup> November, however further meetings arranged for December were postponed by Unison. The most recent meetings were on 6<sup>th</sup> January 2011 with Unison and on 11<sup>th</sup> January 2011 with GMB. Unison put forward counter-proposals seeking the policy statement, rights and obligations on parties, principles and procedure timescales to be contractual and agreed that guidance notes be non-contractual.

Following the 6<sup>th</sup> January 2011 meeting, a management response was sent to Unison accepting some of their proposals and seeking a compromise on the significant issue of timescales that reflects the union's concern regarding management accountability for compliance, whilst ensuring that the council manages risk – a copy of the letter setting out management's response is attached at Appendix B.

Unison's Branch Committee subsequently met to consider whether to accept the outcomes of these discussions and responded in a letter dated 12<sup>th</sup> January 2011 stating Unison's unanimous decision not to accept the outcomes and refusing to engage in further negotiations until the impact of the proposals on the existing non-contractual Fair Treatment Suite of procedures is established - a copy of Unison's letter is attached at Appendix C.

Unison's response is very disappointing, as it means that it has not been possible to reach an agreement and in view of Unison's position on this issue, both prior to and since the Portfolio Holder's decision, management's view is that there is little prospect of reaching agreement with Unison in a reasonable timescale. Regrettably, management consider the only viable option is to seek a further Portfolio Holder decision, to implement the management proposals for separating contractual from non-contractual, on each of the seven suites covering people management issues.

GMB will be consulting their regional office about the proposals and it is hoped that GMB support for the management proposals can be achieved.

## **Section 3 – Further Information**

Unison and GMB have been notified that as there is no substantial change to the contents of the Protocol for Managing Change and due to the pressing need to support management with

change programmes, the Managing Change Toolkits which were developed over a year ago but not implemented pending the outcome of these discussions, will be launched. No objections have been received to this approach.

## **Section 4 – Financial Implications**

None

## **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



on behalf of the  
Chief Financial Officer

Date: 13 January 2011

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

**Contact:** Lesley Clarke, OD Manager, 020 8420 9309

### **Background Papers:**

Record of minutes of Employee Consultative Forum held on 28 October 2009

<http://moderngov:8080/ieListDocuments.aspx?CId=265&MId=4651&Ver=4>

Record of minutes of Employee Consultative Forum held on 30 June 2010

<http://moderngov:8080/ieListDocuments.aspx?CId=265&MId=60277&Ver=4>

Record of Performance, Customer Service and Corporate Services Portfolio Holder's Decision published on 15 September 2010

<http://moderngov:8080/ieDecisionDetails.aspx?ID=60265>

Record of minutes of Employee Consultative Forum held on 27 October 2010

<http://moderngov:8080/ieListDocuments.aspx?CId=265&MId=60278&Ver=4>

This page is intentionally left blank