

EMPLOYEES' CONSULTATIVE FORUM MINUTES

6 JULY 2011

Chairman: * Councillor Graham Henson

Councillors: * Mrs Camilla Bath * Paul Osborn
* Jean Lammiman * Bill Stephenson
† Phillip O'Dell * Ben Wealthy (4)

**Representatives
of HTCC:** Ms L Snowdon

**Representatives
of UNISON:** * Ms L Ahmad * Mr G Martin
* Mr D Butterfield * Mr R Thomas
* Mr S Compton

**Representatives
of GMB:** * Mr S Karia

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

47. Appointment of Chairman

RESOLVED: To note the appointment at the Cabinet meeting held on 19 May 2011 of Councillor Graham Henson as Chairman of the Forum for the Municipal Year 2011/12.

48. Attendance by Reserve Members

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

Ordinary Member

Reserve Member

Councillor Bob Currie

Councillor Ben Wealthy

49. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 9 – Information Report – Annual Health and Safety Report 2010/11. Agenda Item 10 – Employees’ Side Report on Report on the Business Support Service ‘In Scope’ Redundancy Selection Criterion. Agenda Item 11 – Management Response to Employees Concerns with Regards to Business Support Project With Regards to Selection Criteria. Agenda Item 12 – Progress on Delivering the Council’s People Strategy 2010-12.

Councillor Graham Henson declared a personal interest in that he was a member of the Communication Workers Union and he had a relative employed by the Council. He would remain in the room whilst the matter was considered and voted upon.

Agenda Item 9 – Information Report – Annual Health and Safety Report 2010/11

Councillor Camilla Bath declared a personal interest in that she was a governor at Harrow High School and Whitchurch First School. She would remain in the room whilst the matter was considered and voted upon.

Councillor Jean Lammiman declared a personal interest in that she was a governor at Nower Hill High School and Shaftesbury High School. She would remain in the room whilst the matter was considered and voted upon.

50. Appointment of Vice-Chairman

RESOLVED: That Lynne Ahmad be appointed as Vice-Chairman of the Forum for the Municipal Year 2011/12.

51. Minutes

RESOLVED: That the minutes of the meeting held on 25 January 2011 be taken as read and signed as a correct record.

52. Public Questions, Petitions and Deputations

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting.

RESOLVED ITEMS

53. Information Report - Annual Health and Safety Report 2010/11

The Forum received a report of the Assistant Chief Executive, summarising the Council's Health and Safety performance between 1 April 2010 to 31 March 2011.

An officer explained that the report had previously been presented to the Governance, Audit and Risk Management Committee and would be presented to Cabinet on 21 July 2011. The year, relating to Health and Safety, had been challenging. Improvement notices had been served on the Council by the Health & Safety Executive regarding asbestos management at two schools in the borough. This had triggered a work programme of improvements which resulted in the improvement notices being lifted in November 2010.

The officer additionally reported:

- there had been a programme of improvements in Health and Safety across schools and at a corporate level;
- training during the last year on Health and Safety had been delivered to approximately 500 employees across the Council;
- a self-audit tool would be introduced for 2011/12. This would greatly improve monitoring performance in Health and Safety;
- Health and Safety policies would be revamped. A 2 year Health and Safety improvement plan had been agreed, which had demonstrated a positive end to the year;
- there had been a 19% increase in reported employee accidents last year. It was therefore reasonable to assume that the introduction of a new reporting form together with increased support across the Council to implement the procedure, had resulted in this increased reporting rate;
- the majority of employee accidents occurred in the Children's Services Directorate, and mostly related to accidents at schools involving teachers or teaching assistants.

During the discussion on this item, Members of the Forum raised a number of queries, which were responded to as officers as follows:

- the performance indicators relating to the Health and Safety Improvement Plan reflected best practice stipulated from the Health and Safety Executive (HSE). The monitoring of performance indicators would be assisted by the introduction of the self audit tool;

- one of the further benefits of the self audit tool was that it would allow the Council to compare training delivered to training required;
- the self-audit tool would only be trialled for one month. Officers would work with Unison and GMB to explain the functions of the tool in depth if required;
- the self-audit tool would ensure legislative compliance and assist the Council to identify if there were any issues. The self-audit tool would be backed up by a programme of physical audits on a risk based approach;
- attendance at Health and Safety Groups had been an issue and although some improvements had been achieved it was recognised that further improvements were needed;
- further investigation would be conducted if Members of the Forum knew of incidents which had not been reported and reflected in the statistics presented;
- criticisms from a Member of the Forum regarding the lack of a comprehensive trend analysis in the report, the assumptions made in the report and the lack of meaningful data were noted;
- previous recommendations from the Forum in relation to the management of asbestos would be reviewed;
- the Council were aware of a recent legal case which had implications for it relating to exposure to asbestos. This information had been disseminated through the Council;
- the Governance, Audit and Risk Management Committee had commented on the statistics in relation to Health and Safety and understanding the training needs analysis;
- there had been investment in the corporate Health and Safety budget by the Council;
- officers would investigate concerns raised by the unions about asbestos and a lack of permission to enter Synacot, where the disposal of waste occurred.

During the discussion on this item, Members of the Forum also made a number of comments which included:

- it was recognised that the Health and Safety service had been put under pressure. However the improvement plan was now in place which would help the service to progress;

- it would be helpful for Members of the Forum if a more comprehensive report was presented with more analysis details and more key trends identified.

RESOLVED: That

- (1) the report be noted;
- (2) a report be presented to the next meeting of the forum on 10 October 2011 providing greater detail in relation to the Annual Health and Safety report 2010/11 accident statistics.

54. Employees' Side Report On The Business Support Service 'In Scope' Redundancy Selection Criterion and Management's Response

The Forum received a report from Unison expressing concern about the criterion and rationale used by the Directorate management teams in assessing which positions were 'in scope' for the Business Support Better Deal for Residents Programme. Unison had requested that an urgent review be conducted into the investigation.

In presenting the item a member of Unison raised their following points:

- the response to the concerns raised by officers had, in their view, been disappointing;
- adherence to ensuring good industrial relations meant that the unions should have been consulted on the criteria used;
- there was a lack of evidence on how the criteria to determine those who were 'in scope' had been fairly applied across the Council;
- the unions had only been allowed a short space of time in which to raise questions on the Full Business Case for the project;
- there had been no clarification provided on when managers in each directorate had confirmed which staff would be 'in scope';
- the unions believed that four formal queries referred to the project team had not been satisfactorily resolved. In the unions view, these were reasonable queries to ensure that balances and checks had been applied;
- the unions believed that the staff identified as being 'in scope' for the project was only finalised the day before consultation on the project commenced;
- Unison had requested evidence that the criteria had been fairly applied.

The Project Lead responded to the concerns raised and reported that:

- the Project Team believed that meaningful engagement had taken place with the unions during the project. The union engagement protocol had also been followed during the project;
- weekly meetings had been conducted with Unison and GMB prior to staff consultation on the project to ensure meaningful debate about staff identified as being ‘in scope’;
- the project had not been designed to adopt a ‘one size fits all’ approach. Directorates had been empowered to decide what was best for that relevant section and it was a constantly evolving process. Directorates were best placed to decide what needs they would need to satisfy and how best it would be achieved. As a result the Directorates themselves had decided which staff would be ‘in scope’ for the project;
- the four queries raised in relation to the project had been forwarded to the relevant directorates and had been responded to;
- it was important to recognise that identifying staff as ‘in scope’ for the project was not a redundancy selection process. It identified the staff undertaking business support activities that will be delivered through the new business support model. Appointments to the new business support structure would be in accordance with the Council’s agreed selection processes and it was anticipated that there would be minimal impact on the employment status of permanent members of staff.

During the discussion on this item, Members of the Forum raised a number of issues which officers responded to as follows:

- there had been an outline business case and full business case completed for the project. Additionally the project team had conducted the necessary consultations through the decision making processes and through meetings with unions;
- the project involved essentially transitioning staff who carried out the functions in scope into the new structure. Any potential redundancies would not be considered until staff had been placed into the new structure. The process would follow the Protocol for Managing Organisational Change;
- the Job Description for staff within the new structure had been the subject of full engagement with staff and the unions. There had also been compliance with legislative requirements;
- changes to those staff identified as being ‘in scope’ for the project had been made prior to going out to consultation with staff, but officers were satisfied that the consultation process enabled staff to raise any concerns and that any issues that arose would be considered;

- officers were happy to provide the unions with all information that the Project Team provided to the directorates prior to staff being identified as 'in scope'. This would involve meeting dates, relevant notes and communications to support decision making process;
- a general summary of the entire process could be described as follows:
 - PriceWaterHouseCoopers undertook an analysis of functions carried out across the Council;
 - the analysis included the number of full time equivalent employees engaged in carrying out each function;
 - the functions that could be brought into a Business Support Service were identified;
 - Directorates identified the relevant staff who carried out these functions
 - in discussions with these staff, those who were in scope were confirmed;
 - the Project Team held workshops with these staff to refine the business support functions and services.

RESOLVED: That

- (1) the reports be noted;
- (2) the Project Lead, Business Support, provide the unions with all information that the Project Team provided to the directorates prior to staff being identified as 'in scope'.

55. Progress on Delivering the Council's People Strategy 2010-12

In accordance with the Local Government (Access to Information) Act 1985, this item was admitted late to the agenda to allow Members of the forum to consider the information at the earliest possible opportunity.

An officer introduced the report which provided an update on the Council's People Strategy and reported on the following points:

- the Council had been working with the London Borough of Hammersmith and Fulham to procure a single supplier for temporary agency workers. It was anticipated that this would save the Council approximately £500,000 p.a. A report would be presented to Cabinet on this subject on 21 July 2011;
- the Management Development Practitioners Programme had been launched and the remaining modules to be completed were Customer Service, People Management and Business Management. The programme would be concluded by November 2011;

- the coursebooker system for training administration had now been implemented which all employees had access to. Bookings could still be made over the phone and initial teething problems had been resolved. The training programme was now more fit for purpose;
- there had been a lot of debate on the contractual status of employment policies and procedures at previous meetings of the Forum. Positive meetings had been held recently with the Unions and a formal response was currently awaited on the formal proposal for change made by officers;
- meetings with the unions on the Modernising Terms and Conditions of Employment Project started some months ago and continue into September and October 2011. Four key principles for the review had been agreed as follows:
 - Modernise;
 - Simplify;
 - Reduce cost;
 - Give greater choice.

It had been agreed that there would be joint communication from the officers and Unions;

- further work was being conducted on how to develop Individual Performance Appraisal and Developments (IPAD) further. It had been previously modified on 2 occasions and it was being reviewed to establish whether it was currently the right tool to use.

During the discussion on this item, Members of the Forum raised a number of issues which were responded to as follows:

- the Agency Worker Regulations entitled temporary agency workers to the same rights of access to council vacancies as Council employees. However, Council employees would still be given priority if they were redeployees;
- the Council were currently collecting data from directorates on their use of agency workers and identifying all vacancies;
- it was expected that the £500,000 saving would be achieved through savings made through the procurement exercise. Work was being conducted by the Finance directorate to capture these savings;
- the Council did strive to ensure that all policies and procedures were adhered to when dealing with complaints made by staff and relating to disciplinary and capability action taken. There were occasions when due to the complexity of the case, these policies and procedures were sometimes varied, but only to have the effect of ensuring the process was more effective and efficient;

- officers would be happy to prepare a report to be presented at the next meeting of the Forum on the application of policies and procedures for staff across the organisation. Individual cases could not be discussed and it was important to note that it was not always possible to reach agreement on the resolution of cases;
- if officers deliberately did not adhere to policies or procedure, this could result in a conduct issue.

RESOLVED: That the report be noted.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.36 pm).

(Signed) COUNCILLOR GRAHAM HENSON
Chairman