

EMPLOYEES' CONSULTATIVE FORUM MINUTES

24 JANUARY 2012

Chairman: * Councillor Graham Henson

Councillors: * Mrs Camilla Bath * Phillip O'Dell
* Bob Currie * Paul Osborn
* Jean Lammiman * Bill Stephenson

**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

68. Attendance by Reserve Members

RESOLVED: To note that there were no Reserve Members in attendance at this meeting.

69. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 7 – Draft Revenue Budget 2012/13 – 2014/15; Agenda Item 8 – Information Report – Employment Procedures Monitoring; Agenda Item 9 – Employees' Side Report on a DTL Collective Dispute; Agenda Item 10 – Management's Response to Employees' Side Report on a DTL Collective Dispute; Agenda Item 11 – Information Report – Half Yearly Health and

Safety Report; Agenda Item 12 – Employees’ Side Report on Health and Safety Policy and Procedures and Ongoing Health and Safety Issues; Agenda Item 13 – Information Report – Management’s Response to Employees’ Side Report on Health and Safety Policy and Procedures and Ongoing Health and Safety Issues; Agenda Item 14 – Information Report – Follow-Up Actions.

Councillor Bob Currie declared a personal interest in that he was a retired Unison member and his son worked for the Council. He would remain in the room whilst the matters were considered and voted upon.

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 matters were considered and voted upon.

Agenda Item 11 – Information Report – Half Yearly Health and Safety Report 2011/12

Councillor Paul Osborn declared a personal interest in that he was a governor at Norbury School. He would remain in the room whilst the matter was considered and voted upon.

70. Minutes

RESOLVED: That the minutes of the meeting held on 10 October 2011 be taken as read and signed as a correct record.

71. Petitions

RESOLVED: To note the receipt of the following petition which was referred to the relevant officer for consideration:

(1) Petition Relating to Waste Services

Petition containing 69 signatures expressing concerns relating to the Dignity at Work Procedure within Waste Services.

72. Deputations

RESOLVED: To note that no deputations were received at this meeting.

73. Public Questions

The Chair advised that a public question had been submitted but had been ruled out as it related to staffing matters, contrary to the provisions contained within the Constitution. However as a sign of goodwill, the Chair had asked officers to respond directly to the questioner on their query.

RESOLVED: To note that no public questions were received at this meeting

RESOLVED ITEMS

74. Draft Revenue Budget 2012/13 - 2014/15

The Interim Director Finance introduced a presentation to the Forum and stated that detailed consultation on the proposed budgets for each directorate had also taken place through the relevant departmental joint committees.

The Interim Director highlighted a number of issues which included the following:

- this was currently one of the most difficult financial environments local government had ever faced and the Council were experiencing financial pressures as a result;
- tough decisions were required for the future. However the Council had an excellent track record of transforming itself and minimising the impact on frontline services. This was a key priority for the Council's administration;
- the Council had responded to the national economic difficulties since 2007 by achieving £45 million in savings up until 2010. Additionally the Council had also embarked upon phase 1 of the Better Deal for Residents (Transformation) Programme and agreed the objectives and principles for phase 2;
- some significant projects had already been completed as part of Phase 1 of the Transformation Programme and some were ongoing. As part of Phase 2 of the Transformation Programme, the overall objective was to develop principles to understand what the Council would look like in 3 years time with 20-30% less resource. It was important that any changes made to the Council made a difference to residents and recognised differences across service areas. Building and developing quality relationships and engagement was also key to ensuring successful change;
- the Council were required to save £60 million over the 4 years of the Comprehensive Spending Review period. The Transformation Programme had identified £30 million of these savings required. The remaining gap at the start of this year's budget setting process was £6.7 million for 2012/13 and a total of £31.2 million over the 3 years of the Medium Term Financial Strategy. Since then the Government in their Autumn Statement had announced that there was likely to be a further 2 years of cuts which was likely to require £10 million per year of further savings to achieve in 2015/16;
- in the current year, £14.7 million of savings had been built into the budget. Several risks had been identified when the budget was set, which were now coming to fruition. These included the changing demography having a higher impact than anticipated. A £1.6 million overspend had been forecast at the end of Quarter 2. However at the

end of Quarter 3, the forecast was that the Council were back on track. Whilst there were still some risks being experienced, these were being successfully managed;

- a £1.4 million minimum underspend was being targeted for 2011/12 to fund potential severance costs relating to the 2012/13 budget proposals;
- £17 million of savings had been identified to date for the 2012/13 budget and Medium Term Financial Strategy. However there were £5.4 million of new pressures in addition to the £6.4 million previously identified;
- the funding settlement had been better than expected for 2012/13 and combined with a number of other changes, the funding gap for 2012/13 was now therefore closed. However the funding settlement changes had the effect of pushing some of the funding gap to 2013/14;
- several changes had been made in order to close the funding gap for 2012/13. This involved some rephrasing of earlier proposals, the acceleration on the decapitalisation strategy and changes around the cost estimates for the use of agency staff;
- changes to close the funding gap for 2013/14 and 2014/15 also involved similar proposals. Other changes related to the development of a Cultural Strategy for Libraries and Leisure and the creation of a Corporate Resources Directorate within the Council, which was expected to deliver additional savings;
- the Council had assumed a 0% pay increase for employees for 2012/13 and 2% thereafter. Pension contributions from the Council were expected to increase by 0.25% each year, in line with the last triennial actuarial review;
- where proposals over the duration of the Medium Term Financial Strategy contained staffing implications, Council policies and procedures, including the Protocol for Managing Organisational Change, would apply throughout;
- there were a number of projects and strategies being undertaken across the directorates which could potentially have staffing implications. The current national economic climate was difficult but staff would continue to be treated with respect and dignity;
- this meeting was one of a number of stakeholder meetings where the proposals on the budget were being presented. The next steps involved seeking agreement from Cabinet and Full Council on the proposals and developing plans to balance the budget for future years.

Trade Union Members of the Forum raised a number of issues during the discussion on this item.

- in response to a query that a review of fees and charges could affect the elderly and/or those with disabilities, the officer confirmed that the Council had been fully conscious of and had adhered to its equalities responsibilities and duties in preparing the Budget. Equalities Impact Assessments had been conducted which were available for Councillors to view and inspect;
- in response to a query on what contingency the Council had in the event that there were legal challenges on staff being re-engaged on new terms and conditions, the Interim Director confirmed that there was a £1million contingency fund built into the budget, which covered a range of budget risks. Additionally a thorough risk assessment on this issue had been carried out;
- in response to a query on what impact the Voluntary Severance Scheme had on the benefits scheme given that many former employees were local residents, the Interim Director noted that the benefits were currently nationally funded. She also pointed out that there had been a direct financial benefit to the Council. It was important to note that any former employee who had left on this scheme had voluntarily applied for it;
- in response to concerns that the unions had not been provided with the basis for all of the savings targets proposed, the Interim Director expressed her confidence that the level of savings targeted in the budget, when looked at in entirety, could be achieved, although there were risks which were covered by both the contingency, and at worst, by general reserves;
- in response to a concern that the Council's aim to investigate ways to increase revenue was contradicted by proposals relating to the Procurement Service, the Interim Director advised that the proposals were part of the Transformation Programme and would deliver significant savings for the Council. It would be more strategic based and the proposals had been developed in full consultation with the service. A significant amount of money had been invested to secure further professional staff to lead in the approach to be more strategic;
- in response to a query on the reprocurement of the Council's contract with Kier, the Interim Director confirmed that the specific figures in relation to the projected procurement savings were not available at the meeting. However the savings had an impact on the Council's Capital Budget, as a lot of the work Kier performed related to the Capital Programme. As a result of the procurement exercise better value for money would be obtained. There would also be significant operational savings. Market conditions were currently favourable for the Council in relation to such a procurement, which meant that it could negotiate on competitive terms.

A Trade Union Member of the Forum expressed his concern that the proposals for savings within directorates were not reflective of the local situation in the borough.

RESOLVED: That the report be noted and that the comments made by the Forum be incorporated into the report on the Budget to be submitted to Cabinet on 9 February 2012.

75. Information Report - Employment Procedures Monitoring

The Divisional Director Human Resources & Development and Shared Services introduced the report and explained that the report had been requested at the previous meeting of the Forum. The key message arising from the report, which he acknowledged, was that there was room for improvement in terms of meeting timescales in employment procedures. There were a variety of reasons for the delays encountered and the Divisional Director reported that the Trade Unions would be consulted on potential changes to procedures to improve performance. It was expected that a further report on this subject would be presented to the next meeting of the Forum.

RESOLVED: That the report be noted.

76. Employees' Side Report on a DTL Collective Dispute and Management's Response

The Forum received a report from Unison expressing details of a collective dispute from Driver Team Leaders (DTL). A representative of Unison set out the details of the issue as contained in the report and made the following points:

- in their view, DTL in the Waste Service section had not received any form of training over the last couple of years. It was their view that documents in the report demonstrated that within the Public Realm Service Area, training had not been provided within Waste Services. In their view this contradicted the Equal Opportunity Policy of the Council in committing to the personal development of every employee;
- in their view, Cabinet had agreed to reduce a tier of management within the Public Realm Organisational Structure. As part of this 10 Assistant Manager posts had been identified for deletion. However the original structure had contained 12 Assistant Manager posts. Therefore there should still be 2 Assistant Manager posts within the new proposed structure;
- in their view, within the proposed structure 3 Team Leader positions had been created. This had the impact of the existing DTL now having to report to other Team Leaders. In their view there had been no consultation on this and amounted to a demotion. The reason that they had been provided for this, relating to the pay scale of the relative positions, was not accepted;

- in their view a new Service Manager position had been created, whose reporting line was not affected and with no consultation with the DTL. In their view everyone should have been treated equally;
- in their view, management had failed to follow proper procedures. New DTLs who had been afforded training to acquire the relevant qualifications had been appointed and escalated to the top spinal point after a period of six months. In their view this was unfair to incumbent employees. In their view this had resulted in the service encountering financial losses and they disagreed with the explanation given that this was a local agreement;
- in their view, a full independent investigation had to be conducted into the dispute. Many of the employees affected by the dispute were local residents and Members of the Forum had a responsibility towards them. The DTLs should also be re-instated to their original relative positions within the proposed structure.

During the discussion on this item, representatives from Unison responded to questions from Members of the Forum as follows:

- in redundancy arrangements, relevant legal provisions had to be followed strictly. The employer had to define the staff who were at risk of redundancy. In their view this had not taken place in relation to the 2 Assistant Managers who had been given redundancy notices. They believed that the notices had been revoked when this issue became apparent;
- in their view, Cabinet, when agreeing to the Public Realm Transformation programme, had only agreed to 10 reductions in terms of Assistant Manager posts. As there had been 12 in the original structure, this meant that if the 2 remaining employees were dismissed, this would be illegal;
- in their view, the relevant officers had not understood the issues relating to the collective dispute. A Dignity at Work complaint had been raised on this issue, so there had been significant opportunity for management to grasp the issues;
- a show of hands had demonstrated that in their view the majority of staff, within Waste Services, had not received training within the last 4 years. They had only received a free Government National Vocational Course in that time. They believed that if staff did not receive training this placed them at a disadvantage in any redundancy process in relation to their skills and knowledge. There was particular concern at a lack of first aid training;
- in their view there could be no assimilation into new jobs created (i.e. the team leaders waste management) as part of the new proposals for

the Public Realm Services Area. In their view there had been a denial of access to apply for these newly created posts;

- a show of hands demonstrated that in their view a number of staff within that service area had not received Individual Performance Appraisal and Development Plans (IPADS) for the last 2 years.

The Divisional Director Environment responded to the issues raised and made the following points:

- the basis for the issues complained about stemmed from the recent transformation that had taken place in the Public Realm Service Area, which had involved its modernisation;
- significant investment had been made by the Council into this Transformation Project. This would achieve long term efficiencies. A tier of management had been removed from the relevant Service Area and naturally this had disappointed some employees. Best practice and procedures had been followed at all times;
- there had been a number of opportunities for employees and the unions to engage in the transformation process. A Dignity at Work issue had also been raised which had allowed a thorough examination of the issues involved;
- training had always been made available to all staff within the Service Area and there were significant opportunities available. A number of staff within Waste Services had already benefited from this and additionally the Transformation Project had allowed new technology to be used which had involved training in their use;
- in management's view there was no requirement for an independent investigation to take place into the issue as procedures had been followed robustly and there had been plenty of opportunities for consultation and to raise any issues.

During the discussion on this item, officers responded to queries from Members of the Forum as follows:

- the item had been presented to the Forum as it had been initially presented to the Departmental Joint Committee (DJC). Under the DJC's terms of reference items could be referred to the Forum if requested either from the trade unions or by officers;
- officers explained a redundancy process required lengthy consultation involving trades unions and staff; listening to any concerns raised and taking them on board to ensure any final proposals were right for the organisation;
- the Trade Unions had been fully engaged on the Public Realm Transformation Project. The vast majority of this transformation had

been successful and made significant achievements providing excellent services to residents in the borough;

- the Council's policies and procedures had been written in accordance with the law. The 2 Assistant Managers who had as of yet not been made redundant had their notices withdrawn in order to help them find redeployment within the organisation. This was in order to assist them as much as possible. They were therefore being held in a supernumerary position;
- a needs analysis was conducted within the Service Area to identify training required by employees. It was important to note that due to the current economic climate, resources for training were limited and varied. However training was available and additionally the Council ran a Corporate Training Programme, which was available to staff. If an employee applied for a course which was not granted, it was expected that they would receive a reason for this decision. Recently 600 employees at a corporate level had achieved an NVQ, funded by the Government;
- the use and timings of IPADs in this Service Area had previously been highlighted as an issue and work was required to address these. Officers had begun discussions with the Trade Unions on this issue.

Members of the Forum made the following comments on this issue as follows:

- the decision made by Cabinet on the Public Realm Transformation Project provided authority to the relevant Corporate Director in consultation with the relevant Portfolio Holder to take such action as necessary to implement the decision, including making minor changes;
- it would be helpful if a report was presented to the Forum at its next meeting relating to training (including on the job training) provided within Waste Services. This was an issue that was required to be investigated further;
- it would be helpful if greater encouragement was provided to staff to engage on training courses to enable more access to training;
- it was expected that training opportunities would be addressed at the IPAD process. There was therefore concern that this was not occurring so this should also be investigated and reported back to the Forum.

The Chairman proposed that this report be noted, with reports presented to future meetings of the Forum as suggested:

RESOLVED: That

- (1) the report be noted;

- (2) a report be presented to a future meeting of the Forum on training and the use of IPADS within Waste Services.

77. INFORMATION REPORT - Half Yearly Health and Safety Report 2011/12

The Forum received a report summarising the Council's Health and Safety performance for the half year 1 April 2011 to 30 September 2011 providing an update of activities and giving information on outcome measures – training, audits and accidents.

The Divisional Director Risk, Audit and Fraud reported that generally the report was positive and assistance from the Trade Unions had contributed towards healthy partnership arrangements.

The officer reported on the following issues:

- there was a continued implementation of the two year improvement plan based on the Health and Safety Executive (HSE) Model. This plan had additionally addressed the issues raised by the HSE in relation to asbestos and it had been satisfied with the progress made;
- there was continued roll-out of the Health and Safety e-self audit tool across the Council;
- the Health and Safety service was currently undergoing a re-structure to build a new in-house team;
- there was continuing development of Health and Safety policies and codes of practice to meet identified needs;
- one slight concern was the take up of health and safety courses across the Council. There was also some concern at the performance of the Occupational Health Service. This was an issue that had been raised with the provider. The contract was up for renewal in September 2012 and the Council were currently working on a procurement exercise.

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

- there was currently one permanent member of staff and 3 agency staff within the Health and Safety team. The proposed recruitment process would involve appointing 5 permanent Members of staff. The manager's role had been advertised first before appointing the more junior staff. The entire process was currently on pause as there was a dispute to resolve. The officer would advise the Forum whether agency staff were able to apply for these positions;
- the improvement notices served by the HSE had been provided to the Forum at previous meetings and was available for Councillors to view if they wished;

- an independent review had been commissioned as a result of the improvement notices to see if any improvements could be made;
- the 2 year Improvement Plan had been a direct response in relation to the improvement notices served and the independent review commissioned;
- the Corporate Director Community and Environment had led an officer group delivering a comprehensive work programme to improve health and safety management and risk management. The group had its last meeting in December 2011;
- the outcome of the independent review had been discussed at a number of Committees previously;
- officers were confident that there were published documents which expressed the HSE's satisfaction with the progress that the Council had made. Trade Unions had been part of the interview process with the HSE when the improvement notices had been served;
- in relation to past asbestos issues, the relevant Portfolio Holder was provided with a number of updates to ensure that officers reported this accordingly. Additionally the 2 year improvement plan had been reported to the Corporate Health and Safety group;
- officers would provide the Forum with details on any claims made for personal injury, so that an analysis could be made to see if liability for the Council had increased alongside a decrease in training take up.

Trade Union Members of the Forum commented during the discussion, as follows:

- they had concerns that the officer group designed to improve health and safety management had not included a representative from a Trade Union. In their view this was not good practice;
- they had concerns about officers demonstrating their accountability to officer in relation to Health and Safety issues.

A Member of the Forum commented that the data presented in the report was helpful. There was some concern at the low take up of training within certain directorates. It would be helpful if this could be elaborated upon at the next meeting of the Forum.

The Chairman accepted a proposal that the Trade Union Members would forward a list of queries to officers on this subject, which they would respond to at the next Corporate Health and Safety Group meeting.

RESOLVED: That

- (1) the report be noted;

- (2) a report be presented to the next meeting of the Forum on the take up by staff of Health and Safety courses.

78. Employees' Side Report on Health and Safety Policy and Procedures and Ongoing Health and Safety Issues and Management's Response

The representative from Unison explained that the management response to the report had provided detailed responses. As a result he would meet with the relevant officers to try and resolve the issues reported.

RESOLVED: That the report be noted.

79. INFORMATION REPORT - Follow-Up Actions

The Divisional Director Human Resources & Development and Shared Services explained that there was one minor amendment to make to the follow-up action sheet reported. At the time of writing the report it was anticipated at information relating to the Springboard Courses would be circulated prior to the meeting. This had not yet taken place but would be done in the next couple of weeks.

RESOLVED: That the report be noted.

(Note: The meeting, having commenced at 7.40 pm, closed at 10.06 pm).

(Signed) COUNCILLOR GRAHAM HENSON
Chairman