

EMPLOYEES' CONSULTATIVE FORUM: 18TH APRIL 2012 (NB- originally scheduled 26th March 2012 but postponed despite trade union objections)

UNISON REPORT ON THE 'MODERNISATION' OF TERMS & CONDITIONS NEGOTIATIONS; COVERING EVENTS PRIOR TO AND FOLLOWING CLOSURE OF NEGOTIATIONS BY HARROW COUNCIL AND A WAY FORWARD FOR IMMEDIATE ECF CONSIDERATION.

SUMMARY AND DECISION REQUESTED

This UNISON report, whilst outlining a detailed overview of Harrow Council's terms and conditions negotiations, highlights serious factual inaccuracies, misrepresentations and possible gross oversights in the handling of the 'Modernisation' terms & conditions negotiations and consultation process by the HR Divisional Director. The report provides those officer's responsible a further opportunity to meet with the requirements stipulated within the consultative framework of the Council in order to demonstrate that a democratic process both fair and balanced has occurred. Its content also reiterates the commitment of UNISON to continue negotiations with the employer and concludes with two formal requests for immediate ECF panel agreement. The first demands that the failings identified within the report should be comprehensively investigated and for the officer to be held accountable. The second request calls on the Council to urgently re-commence original formal negotiations with the recognised trade unions, allowing negotiations to conclude so that a collective agreement can be achieved.

CHRONOLOGY

DATE	ACTION	OUTCOME
5/1/11	Meeting held with UNISON and HRD Divisional Director (Jon Turner) to outline Council's intention to 'Modernise' terms & conditions and the area's to be 'modernised'. This included schools or 'non-teaching' based staff. HR Director committed the Council to partnership approach and 'joint communications' in regard to progress of negotiations.	At this early stage the Divisional Director stated his view that employer would find it difficult to reach a collective agreement with two unions and that "ultimately, we will have to go to the workforce". No update or joint communications were issued to staff throughout negotiations.
03/2011	Staff consultation in March 2011 took place on potential areas for 'modernisation' within the staff survey.	UNISON informed that results would contribute to proposals. We believe no direct or in-direct consultation took place with schools

		based 'non-teaching' staff.
03/2011	Meeting in March 2011 took place with HRD Director, UNISON regional officials and Harrow Local Government Branch representatives.	HRD Divisional Director agreed that changes to terms and conditions would not impact parts 1 & 2 of the nationally agreed conditions of service i.e. the Green Book.
18/5/11	Formal 'Modernisation' negotiations commenced in which Terms of Reference agreed. Five negotiation meetings take place from 29/6/11 until formal proposals tabled on 16/11/11.	No formal proposals tabled in 6 months but 'options' discussed. UNISON Regional Organisor described these meetings as a 'talking shop' only.
08-09/2011	Further consultation took place with Directorate based staff only, with staff briefings regarding 'modernising options'.	UNISON informed that results of consultation would contribute to proposals. Proposals did not materialise until they were tabled in November 2011. This consultation also did not include schools based 'non-teaching' staff.
16/11/11	Council tables formal proposals imposing an unreasonable timetable to reach agreement by 15 December 2011 and negotiations to be finalised in time for Cabinet in January 2012.	Council await UNISON's formal response.
12/12/11	UNISON table formal alternative approach which sought to mitigate the worst effects of the Council proposals and which recognised the employer's need to change. UNISON believed that its response was more than accommodating, and that it had engaged in meaningful negotiations.	UNISON await Council's formal response.
09/01/12	Council close formal negotiations citing that 'it was not possible to reach a collective agreement' even though it was the GMB representatives which removed their union from further discussions whilst UNISON was willing to continue negotiations.	HR Divisional Director authors Cabinet Report for 19/1/12 recommending dismissal and re-engagement and a timetable for implementation.
15/2/12	UNISON Branch members meeting convened in Council Chambers	Motions passed calling on Council to

	regarding 'Modernisation' and attended by nearly 300 members (over 10% of those effected overall by the proposals). Members informed that January Call-in notice by UNISON rejected by Harrow Council.	resume negotiations with unions (with ACAS assistance) and requesting schools removed from the automatic impact of 'Modernisation' changes because the Council has no legitimate authority to do so. UNISON await response from Council.
29/2/12	In an unprecedented move the HRD Divisional Director, supported by and overseen by the Chief Executive, apologise profusely to Harrow schools Head Teachers regarding the unnecessary and unjustified exclusion of Head teachers and 'non-teaching' staff from the initial consultation processes and the stress and anxiety this whole debacle has caused.	HRD Divisional Director ill-advised Cabinet & the Chief Executive regarding schools inclusion. School governing bodies determine changes to non-teaching staff terms & conditions, the Council does not have a legitimate right to automatically insert agreements, alter terms and conditions or benefit from savings achieved from schools delegated budgets.

REPORT

Despite UNISON's formal objections, we remain disappointed with the Chair of ECF's decision to postpone the meeting scheduled for 26 March until 18 April 2012 serving to delay these urgent matters which require immediate action. Nevertheless, the issues outlined within this report are now extremely important, raise serious questions which require investigation, could save precious Council resources and will restore industrial relations so that partnership working and effective engagement on 'Modernisation' can resume in efforts to overcome this considerable but surmountable hurdle.

The report's Chronology clearly demonstrates that discussions with UNISON concerning 'Modernisation' initially commenced in January 2011 in which the HRD Divisional Director convened a meeting outlining his intentions to alter terms and conditions, the areas that the Council was proposing to 'modernise' and who the proposals would effect.

At this stage it is important to note that he stated to UNISON that 'modernisation' would directly impact 'non-teaching' staff in schools by way of a collective agreement. Before formal negotiations took place, a staff consultation was undertaken in March 2011 directly seeking views on areas that could potentially be 'modernised'. We believed that the Council would use this to inform their proposals which we expected to receive soon after formal negotiations commenced in May 2011. Given the tight timetable for a September 2011 deadline, it was not unreasonable for UNISON to deduce that formal proposals would be presented in good time for consideration and negotiation to achieve this deadline. However, and as will be displayed, this deadline fell by the wayside due to the disconnected and disjointed approach adopted by HR representatives during negotiations. It was also our reasonable expectation that as directorate based staff had been included in this consultation; non-teaching staff would also be included. Despite this reasonable belief and the HRD Divisional Director's decision in January, our school members were excluded from this exercise and their views and the views of their colleagues/Head Teachers were completely ignored.

March 2011 also witnessed a formal commitment from the Council with UNISON Regional officials and Branch Representatives that all future negotiations on terms and conditions would not impact or touch national conditions of service (parts 1 & 2) of the Green Book. It was agreed and accepted that the London Borough of Harrow has no mandate or legitimacy to tamper with agreements that are negotiated nationally.

Formal negotiations with the recognised trade unions commenced on the 18th May 2011 and were underpinned by an agreed Terms of Reference. **All meetings as from 18th May 2011 were considered as formal.** They were not, as the HRD Director incorrectly asserts in his January 2012 Cabinet Report (see paragraph 2.12) to be considered as informal.

We have grave concerns and important questions regarding his interpretation of events which require urgent scrutiny and are detailed as follows;

- 1. If indeed meetings before November 2011 were informal, then we seriously question why UNISON was required to agree Terms of Reference which included a confidentiality stipulation within them which reasonably infers all meetings from 18 May 2011 onwards were of a formal nature?**
- 2. If they were formal talks as we maintain and can evidence, why has the HR Divisional Director intentionally mislead and misrepresented a Cabinet report which has far reaching implications for all employees of the Council?**
- 3. The Terms of Reference committed the Council to releasing 'a joint statement within 5 days of every Forum meeting'. Given the importance of UNISON signing this agreement, and the fact that no joint statements were released, why didn't the Council update staff with an update of events five days after each negotiating meeting? Did the significant lack of progress, vision and firm proposals prevent them from informing staff that nothing was happening?**