

To continue, five formal negotiation meetings took place over a period of six months following the original meeting on the 18th May 2011. To UNISON's frustration the Council arbitrarily suspended negotiation meetings between August-September 2011 because it wanted to conduct a second staff consultation concerning the options being discussed in negotiations.

We were informed that this consultation exercise was once again used to inform management about staff views on 'modernising' options. When discussions resumed in September no formal proposals were tabled as we were informed that yet further discussions were required at a senior level to formalise proposals. All of this work, discussion, dialogue and decision making was undertaken away from and outside of the negotiating arena and at a time when information requests were made by UNISON for the purposes of collective bargaining.

For example, UNISON required figures and information relating to services and staff numbers required to work weekends in response to the Council's proposal to work any five days out of seven. To date we have not received this information and we are still awaiting its arrival which in formal negotiations restricts a trade union's ability to engage with the employer effectively and on a level playing field.

As with the original staff consultation in March, the second staff consultation failed to include schools staff and once again excluded 'non-teaching' schools based staff from airing their views about the impact of changes to their terms and conditions which could place their employment status in jeopardy (ECF panel members will note the Council proposal to drastically reduce the redundancy entitlements by more than half, making it cost effective to release staff in pursuit of financial savings).

As we have witnessed in the schools consultation meetings convened after the HR Director authored his Cabinet report, none of our school members had been informed about the intention to change their terms and conditions and are totally bemused by their inclusion. We call into question the advice, guidance and strategic oversight of the HR Director and ask through ECF the following questions;

4. As we have demonstrated, the HRD Director's intention in January 2011 was to include 'non-teaching' schools staff within 'modernisation' changes yet, given the significant time period that elapsed, we cannot understand why the HRD Director failed to adequately consult and seek the views of schools staff when, knowingly, it was his original intention to include them?

5. Did the HR Director research and consult legal advice before incorrectly declaring that 'modernisation' changes would directly impact schools 'non-teaching' staff?

6. Can the Director provide an explanation to ECF panel members regarding this gross oversight in excluding over 2,000 staff from the two previous consultative processes? Why didn't HR undertake schools consultative meetings in March 2011 and also attend schools in the second consultation between August and September 2011?

7. Why did the information provided to trade unions in negotiations focus on directorate based employees and excludes the impact on non-teaching staff when their employment status and terms and conditions could have been drastically affected?

After a lengthy and significant time period in which our Regional Organiser described negotiation meetings as merely a 'talking shop' and which we viewed as disjointed, formal proposals were eventually tabled on the 16th November 2011.

UNISON tabled a counter response on the 12th December which sought to mitigate the worst effects of the Council's proposals and which recognised the employer's need to change. Our response was more than accommodating, balanced our members interests in line with our union's rules and is exemplified by the fact that only two areas required further discussion (as detailed in Appendix 1 of January's Cabinet report, see page 21); these areas related to the rate of enhancements and the Essential User Car Allowance withdrawal. For the record, UNISON was and still is willing to negotiate enhancement rates and advocate a review, not withdrawal, of the Essential User Car Allowance.

With a tight timescale imposed by HR over the Christmas and New Year period, and with little time allocated to UNISON to ballot its members over possible negotiated settlements, we were shocked at the immediate closure of negotiations by Harrow Council when the GMB decided it could no longer take part in further negotiations owing to its union's regional position.

Little reflection time was given before HR closed down talks and with hindsight we seriously doubt the Council but more specifically, the HRD Divisional Director, had any intention in which to allocate additional time to 'iron-out' the two outstanding issues that required agreement given the Director's statement earlier in 2011 that 'we will have to go to the workforce' and in his clear eagerness to close them. We are further suspicious given his assertion in the January Cabinet report (page 6 section 2.25) which states that the 'Council is no longer bound by any commitments given in the course of negotiations' and that the consultation proposals presented to the workforce 'may be modified from those negotiated with the unions'.

The factually incorrect and totally misleading report that followed in January, and authored by the HR Divisional Director for Cabinet decision, was unacceptable and his recommendation to dismiss and re-hire the entire workforce on inferior terms and conditions was premature and we believe completely over-zealous. We resent the misinformation distributed to all staff which apportioned blame to both unions neglecting to mention that UNISON was the only union still willing to continue negotiations and the constructive position we adopted throughout this process.

To illustrate further factual inaccuracies in the HR Director's report to Cabinet, we highlight the issue of the Equality Impact Assessment in which he states 'an Equalities Impact Assessment has been carried out' (page 8). We submit the following questions;

8. If an Equalities Impact Assessment was undertaken, why was this document not shared and consulted with the trade unions during negotiations?

9. If this document exists, why was it not included as an attachment within the January 2012 Cabinet report?

The recommendations provided by the HR Divisional Director are also in clear defiance of the legal advice detailed within the report (as is confirmed by our legal team) which places the Council in a precarious legal position with the possibility of costly legal and individual civil action notwithstanding the possibility of collective industrial strife which we all wish to avoid.

The impact on Single Status alone raises severe legal considerations in which the Council wishes to reverse the harmonised agreement by creating a clear two tier workforce in which those graded H 6 and below are financially worse off and paid considerably less than the rest of the workforce. This presents a return to the days of division between the blue collar and white collar sections of the workforce. This is hardly a 'fair and balanced' approach as the HR Director maintains in his report. We further question his perception of equality and we call into question his decision to include 'non-teaching' schools staff within the 'modernisation' proposals. Contrary to belief, all directorate based and schools staff will be impacted by drastic reductions to the Redundancy policy which places our members job security at risk. We can only deduce that this view of equality means the inclusion of a policy which would negatively impact all staff.

Since the 19th January 2012, and in realising this gross oversight, the HR Director belatedly commenced consultations and hastily convened meetings across all schools with 'non-teaching' staff. UNISON attended many of these meetings and it became evident that school governing bodies determine the employment status and acceptance of changes to terms and conditions of their non teaching staff, not the Council. Any blanket approach adopted prior to and during negotiations regarding the inclusion of schools would be legally risky given schools centrally allocated budgets and their ability to hire and fire their employees.

Our position on this matter and our members shocked amazement that the negotiations to change their terms and conditions were being discussed without them and that potential changes would be effected automatically in school HR consultation meetings was recently justified in what was an embarrassing climb down and 'U-turn' by the HR Director. ECF will note the recent apologies the HR Director and Chief Executive were forced to convey in person to school governors and clerks (see Chronology- 29th February 2012) and their staff regarding the ill-judged exclusion from consultation on 'Modernisation' proposals. The Forum will also note the letter sent by HR (dated 13 March 2012) to all Head Teachers and Governing Bodies in an attempt to clarify their original and incorrect position. We question why the Chief Executive was called into this debacle and submit the following question in regard to the apology issued to schools;

10. Why did the HRD Divisional Director have to personally apologise to school Head Teachers in February 2012 and what did he do so badly wrong which warranted such a public apology?

We have consistently raised awareness with our members, Councillor's and in the local media that the recommendation to fire and re-hire our members is over-zealous, disproportionate to the reality of the situation and places the Council's status as employer of choice and nationally recognised reputation in jeopardy.

UNISON convened a well attended Branch members meeting on 15th February 2012 which passed motions calling on a return to the negotiating table with ACAS assistance so that a collective agreement- the cheapest alternative to 4,000 dismissals- can be reached with the recognised trade unions.

We have not received a formal response from the Council in regard to this motion and we hope that this report will serve to remind the Authority that this is an outstanding piece of correspondence and is yet a further request to re-open formal negotiations and finish what was started in May 2011. The other motion called on the removal of schools staff from any blanket impact as a result of the 'modernisation' proposals which we have achieved.

In conclusion, UNISON is still optimistic that a collective agreement can be reached through re-opened debate and consultation with the employer and the recognised trade unions. It is committed to further negotiations and collaborative working with the employer to resolve this matter. However, in this report we have highlighted serious errors of judgement, inaccuracies and factually incorrect information on the HR Divisional Director's part which require immediate scrutiny, accountability and investigation. We therefore call on ECF Panel members to conduct a comprehensive investigation into the failings identified within the report and for the officer responsible to be held accountable. The second request calls on ECF to urgently re-commence original formal negotiations with the recognised trade unions, allowing negotiations to conclude so that a collective agreement can be achieved.

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