

EMPLOYEES' CONSULTATIVE FORUM

28 OCTOBER 2009

Chairman:	* Councillor Paul Osborn	
Councillors:	* David Ashton	* Graham Henson
	* Bob Currie	* Julia Merison (3)
	* Tony Ferrari (4)	* Phillip O'Dell
Representatives of HTCC:	Lynne Snowdon	
Representatives of UNISON:	* Lynne Ahmad	* Gary Martin
	* Darren Butterfield	* Alex Shola-Gbade
	* Steve Compton	Robert Thomas
Representatives of GMB:	John Dunbar	Kathleen McDonald

* Denotes Member present/Employee Representative present (3), and (4) Denote category of Reserve Member

PART I - RECOMMENDATIONS

PART II - MINUTES

177. **Attendance by Reserve Members:**

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

<u>Ordinary Member</u>	<u>Reserve Member</u>
Councillor Mrs Camilla Bath	Councillor Julia Merison
Councillor Susan Hall	Councillor Tony Ferrari

178. **Declarations of Interest:**

RESOLVED: To note that the following interests were declared:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
7. Information Report- Progress Report – Peer Review of the HARP Project – Housing) Councillor David Ashton	Personal interest in that his daughter-in-law was a Council employee. He would remain in the room and take part in the discussion and decision-making on these items.
8. UNISON Report on Terms and Conditions of Employment		
9. Information Report – Response to UNISON report on Terms and Conditions of Employment) Councillor Bob Currie	Personal interest in that he was a retired member of UNISON and his son was a Council employee. He would remain in the room and take part in the discussion and decision-making on these items.
10. Annual Equality Monitoring Report		
11. Review of Employee Consultative Forum Decisions of the Last Two Years		

12. Information Report)
 – Establishment of)
 a Joint Secretary)
 for UNISON and)
 GMB)

8. Unison report on)
 Terms and)
 Conditions of)
 Employment)

Councillor Paul
 Osborn

Prejudicial interest in that, as the Portfolio Holder for Performance, Communication and Corporate Services, he had taken the decision on this matter. He would leave the room and take no part in the decision making process.

9. Information Report)
 – Response to)
 Unison report on)
 Terms and)
 Conditions of)
 Employment)

179. **Minutes:**

RESOLVED: That the minutes of the meeting held on 3 September 2009 be taken as read and signed as a correct record.

180. **Petitions, Deputations and Public Questions:**

RESOLVED: To note that no public questions were put, or petitions or deputations received, at this meeting under the provisions of the Advisory Panel and Consultative Forum Procedure Rules 16, 14 and 15 respectively.

181. **INFORMATION REPORT - Progress Report - Peer Review of the HARP Project in Housing:**

In accordance with the Local Government (Access to Information) Act 1985, the Forum considered a progress report of the Corporate Director Place Shaping in respect of the Peer Review of the HARP Project in Housing Services. The report was admitted late to the agenda to enable the Members and employee representatives to avail themselves of the progress made in regard to the project. Due to consultations, the report had not been available at the time the agenda was printed and circulated. The report set out the issues which had been presented as impediments to the effective implementation of HARP and summarised the key actions agreed by the Trade Unions and management to address the issues for improvement purposes.

An Employee Representative referred to the results of the Trade Union housing staff survey and stated that the expectation had been that the content would be discussed at the Forum prior to being published to a wider audience. Therefore, at the request of the Unions, the appendix had been removed from the website. The Forum noted that the survey would be the subject of further discussion by the Peer Review.

The Corporate Director Place Shaping informed the Forum that the report was the start of the second stage of the formal process to move forward in partnership with the Unions, new housing team and the wider staff group. It set out all significant issues presented by management and the Unions. He had found the meetings refreshing and open and welcomed the new style of leadership and the objective presentation by the Unions.

He was of the view that the substantial investment in information technology would result in efficiency and provide colleagues with 21st Century business tools. The Trade Union representatives welcomed the new partnership arrangement.

Clarification was sought by the Trade Union representatives regarding the voluntary severance scheme as the savings from the HARP project were ring-fenced from the HOUSING Revenue Account (HRA) rather than the General Fund.

RESOLVED: That (1) the interim progress report in respect of the Peer Review of the HARP project in Housing Services be noted;

(2) the query relating to the Voluntary Severance Scheme be discussed at the Peer Review and addressed in the report on the review.

182. **UNISON report on Terms and Conditions of Employment and Management Response:**

In accordance with his declared prejudicial interest, the Chairman left the meeting. In the absence of the Vice-Chairman, Ms L Ahmad took the Chair for consideration of this item.

The Forum considered a report from Unison which expressed concern at the decision to unilaterally implement the 'Fair Treatment Suite' of non-contractual procedures. The report requested that the decision taken by the Portfolio Holder for Performance, Communication and Corporate Services be reconsidered.

The Forum also received a response from the Divisional Director Human Resources and Development. The report outlined the rationale behind the 'Fair Treatment' suite.

Unison were of the view that the Council had made an error of judgement and it considered the 'Fair Treatment' suite to be a breach of the Acquired Rights Directive and 1977 Unfair Contract Terms. Should outsourcing of services and staff occur in the future, the protection of terms and conditions of employment under TUPE would apply to contractual procedures only.

An officer assured the Forum that every effort would be made to contractually bind a future employer to the 'Fair Treatment' suite although it was not a legal requirement.

Another officer advised that the decision was taken by the Council after a two year consultation. She added that, in making decisions, tribunals deliberated whether procedures were fair, not whether or not they were contractual.

Reference was made by an Employee Representative to the decision made at the Forum regarding the grievance procedure which had resulted in Members ceasing to be involved in the appeals process. He stated that it had also affected the hearing of appeals by the Corporate Directors. In response, the officer stated that the decision of the Forum on that issue had been to review the effect and impact of the procedure after a year of operation. A report would be submitted in due course.

Following discussion it was proposed that

1. the Employee Side would prepare a written submission setting out the legal issues they had raised in respect of the Council's decision;
2. Counsel's opinion be sought on the Employee Side's submission;
3. the Portfolio Holder would then be asked to further consider the matter taking into account Counsel's opinion.

RESOLVED: That, should Counsel's opinion indicate a change in circumstances that could have a material effect, the Portfolio Holder for Performance, Communication and Corporate Services be requested look at the further evidence in the light of his previous decision.

(See Minute 178).

183. **Annual Equality Monitoring Report:**

An officer advised the Forum that the Annual Equality Monitoring Report was not available as it was being consulted on. The report would be available for the next meeting on 26 January 2009 or, should the Forum so wish, a special meeting could be arranged due to the significance of the report.

The Employee Representatives expressed disappointment that the report had not been submitted to the meeting but welcomed a special meeting on the subject

RESOLVED: That (1) a Special meeting be held to consider the Annual Equality Monitoring Report;

(2) the special meeting be held outside the school holiday period.

184. **Review of Employee Consultative Forum Decisions of the Last Two Years:**

Further to the decision at the last meeting, that the minutes of the Forum for the previous two years be examined and outstanding issues be identified with the Unions to enable them to be tracked, the officer advised that a meeting had been held with Unison and a further meeting would be arranged with GMB.

The Forum was advised that, of the three items identified, two items related to Health and Safety and would be actioned and one related to facility time which had been recognised as an ongoing concern. The position would be reported to the January 2010 meeting of the Forum.

The Chairman advised that outstanding items in relation to the Peer Group Review would be addressed in the final report. He intended that a report on the Forum's work programme would be submitted to each meeting.

RESOLVED: That the report be noted.

185. **INFORMATION REPORT - Establishment of a Joint Secretary for UNISON and GMB:**

The Forum received a report of the Divisional Director Human Resources and Development which set out the arrangements for a Joint Secretary for Unison and GMB to facilitate negotiation and consultation under the Better Deal for Residents Programme.

The Chairman stated that the arrangements had been put in place to address some of the concerns which had arisen with regard to facility time and to provide a single point of contact thereby benefiting both the Unions and the Council.

It was noted that the terms of reference had been agreed and Ms L Ahmad had been appointed as Joint Secretary for the first year.

The Employee Representatives welcomed the establishment of a Joint Secretary.

RESOLVED: That the report be noted.

(Note: The meeting having commenced at 7.35 pm, closed at 8.35 pm)

(Signed) COUNCILLOR PAUL OSBORN
Chairman

Appendix 1

Officers in attendance:	Andrew Trehern	Corporate Director – Place Shaping
	Jon Turner	Divisional Director Human Resources and Development
	Lynne Pennington	Interim Divisional Director of Housing Services
	Lesley Clarke	HRD Strategy Manager

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