

## **JOINT CONSULTATIVE FORUM**

At a Meeting of the Joint Consultative Forum held in Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Thursday, 22 September 2011 at 2.00 p.m.

**Present:** Councillors George Black, Jonathan McColl and Lawrence O'Neill; Stewart Paterson (EIS); Duncan Borland (GMB); Alex McEwan (SSTA); John Kennedy (UCATT); Karen Dunlop, Denise McLafferty and Tom Morrison (UNISON); and Charlie McDonald, Jackaleen McMonagle and James O'Connell (UNITE).

**Attending:** Keith Redpath, Director of Community Health and Care Partnership; Tricia O'Neill, Head of Human Resources and Organisational Development; Tracy Keenan, Lead Human Resources Adviser – Policy and Employee Relations; Michelle McAloon, Lead Human Resources Adviser – Employee Lifecycle and Workforce Planning; Henry Sweeney, Human Resources Officer; Alan Douglas, Manager of Legal Services; and Nuala Borthwick, Committee Officer.

**Apologies:** Apologies for absence were submitted on behalf of Councillors Jim Finn, David McBride, Jim McElhill and John Millar; Karen Ferguson (UNITE); John Wagner (GMB); Terry Lanagan, Executive Director of Educational Services; Elaine Melrose, Executive Director of Housing, Environmental and Economic Development; and Joyce White, Executive Director of Corporate Services.

### **Councillor George Black in the Chair**

#### **CHAIR'S REMARKS**

Before commencing with the business of the meeting, Councillor Black, Chair, welcomed those present.

Thereafter, Mr McDonald was heard in relation to changes to Trade Union members of the JCF. The Forum noted that Ms Karen Ferguson and Mr James O'Connell, both of whom were members of UNITE had replaced Mr Neil Casey and Mr Brian Courtney as members of the JCF.

#### **DECLARATIONS OF INTEREST**

It was noted that there were no declarations of interest from Members on any items of business on the agenda.

## **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the JCF held on 23 June 2011 were for submitted and approved as a correct record.

The Forum heard from Mr McDonald under the heading 'Retirement Process and the Removal of the Default Retirement Age (DRA)', who expressed disappointment at the Council's response in relation to a specific case that an appeal could not be progressed either as an appeal against dismissal or as a Stage 3 grievance appeal following a request to work beyond 65.

Following discussion and having heard the Head of Human Resources and Organisational Development and the Manager of Legal Services in clarification of the Policy and in response to questions from Members, the Forum agreed:-

- (1) to note that UNITE was of the view that the Council had a moral duty to consider the specific case in the circumstances of the case;
- (2) to note the explanation given by Head of Human Resources and Organisational Development and the Manager of Legal Services that the specific case had been reviewed by the Council's Monitoring Officer who had advised that the case could not proceed through the grievance process given that the Council's framework to ensure a fair retirement age had complied with legislation and therefore there was no right to appeal to the Appeals Committee on the matter; and
- (3) to note that Mr McDonald would raise the issue with Councillor Black, in his capacity as an elected member of the Council, outwith the JCF.

In relation to a point raised by Ms McLafferty under the heading 'Trade Unions Issues' concerning 'Collective Bargaining', and after hearing the Head of Human Resources and Organisational Development in response, the Forum agreed:-

- (1) to note that arrangements had been made to meet with ACAS to improve partnership working between management and the trades unions; and
- (2) to note that it was anticipated that ACAS would facilitate at joint workshops for management and the trades unions.

In relation to a point raised by Ms McLafferty under the heading 'Trades Unions Issues' concerning 'Excess Travel Costs', the Forum agreed to note that this matter had not yet been discussed by the Employee Liaison Group (ELG) and should remain on the agenda to be addressed at a future meeting of the ELG.

Having heard Ms McLafferty, it was noted that Ms McMonagle had been invited to attend the Employee Liaison Group in her capacity as the Vice Chair of the JCF.

Having heard Councillor J. McColl in response to a question raised by Mr Morrison under the heading 'Standing Items of Business' concerning 'Shared Services', the Forum agreed (i) to note West Dunbartonshire Council had withdrawn from Clyde Valley Shared Services group and would not agree to shared services proposal that could have a potential detrimental impact on staff; and (ii) to note that proposals for joint working with suitable partners would be the prospect of further discussion.

### **DISCIPLINE AND GRIEVANCE INFORMATION**

A report was submitted by the Head of Human Resources and Organisational Development providing information on disciplinary and grievance matters dealt with at Departmental and Appeals Committee level during the Quarter 1 (2011/2012), covering the period 1 April to 30 June 2011.

Having heard the Head of Human Resources and Organisational Development in answer to Members' questions, the Committee agreed:-

- (1) that Officers would clarify the position with regards to the number of disciplinary hearings outstanding for Quarter 1 (2011/2012) – 1 April 2011 to 30 June 2011;
- (2) to note the assurance given by the Head of Human Resources and Organisational Development that all statistics for bullying and harassment were recorded by the Council whether raised through the grievance procedure or Dignity at Work Policy;
- (3) to acknowledge the importance of the availability of all parties to the appeal process to enable Appeals Committee Hearings to proceed as scheduled;
- (4) to note that the outcome of the exercise to resolve some of the outstanding Stage 3 grievances through discussion with management and employees would be reported to a future meeting of the Forum;
- (5) to commend officers on their work in progressing mediation as a route to resolving a number of the outstanding grievance appeals; and
- (6) otherwise to note the contents of the report.

### **SICKNESS ABSENCE REPORTING - QUARTER 1 (2011/2012)**

A report was submitted by the Head of Human Resources and Organisational Development advising on the levels of employee sickness absence for the fourth Quarter 2011/2012 (April, May and June 2011).

Having heard the Head of Human Resources and Organisational Development and the Lead HR Adviser, Policy and Employee Relations in further explanation of the report and in answer to Members' questions, the Forum agreed:-

- (1) to note that the Trades Unions were fundamentally opposed to the Council's new Attendance Management Policy and had not agreed to the implementation of the Policy with management;
- (2) that the Trades Unions were of the view that there was a general belief amongst the workforce that the Policy had been agreed by the Trades Unions and that steps should be taken to ensure that staff were informed that the Policy had not been agreed with the Trades Unions;
- (3) that given the Trades Unions position as detailed at item (2) above, a request would be made to the Chief Executive by the Trades Unions side that a message be issued to all staff advising of the Trades Unions imposition in relation to the Policy;
- (4) that staff would be clearly advised that the Trades Unions had not agreed the Policy at the remaining staff and management training sessions on the Policy;
- (5) that a report on the implementation of the Policy and proposed review would be submitted to the next meeting of the JCF for discussion;
- (7) to note that targets agreed for West Dunbartonshire Council for 2011/12 for Local Government Employees were presently 10.5 FTE days lost and for teachers 7.0 FTE days lost; and
- (8) otherwise to note the contents of the report.

Note: Keith Redpath left the meeting at this point.

#### **MINUTES OF DEPARTMENTAL JOINT CONSULTATIVE COMMITTEES, DEPARTMENTAL HEALTH AND SAFETY MEETINGS AND EMPLOYEE LIAISON GROUP**

A report was submitted by the Head of Human Resources and Organisational Development providing the minutes from Departmental Joint Consultative Committees (JCCs), Health and Safety meetings and Employee Liaison Group (ELG) meetings for the period from 23 June to 22 September 2011 including any outstanding minutes from the previous reporting period.

Following discussion and having heard the Manager of Legal Services in answer to questions from Members, the Forum agreed:-

- (1) that given the present position concerning the loss of internal interface with BAM, any longstanding issues with outstanding repairs in PPP schools should be notified to the Manager of Legal Services for consideration;
- (2) to note the concerns expressed by Trade Union members (i) in relation to the potential risk of injury with the automatic fire doors at the Vale of Leven Academy in the event of an evacuation, and (ii) concerning the advice from BAM in relation to the Risk Assessment;

- (3) that a copy of the correspondence in relation to item (2) above would be issued to the Elected Members on the JCF and Councillor McAllister, Shadow Convener of Educational Services in order to resolve the issue; and
- (4) that the outstanding CHCP JCC Minutes would be included in the table for meetings held within the period.

### **ADJOURNMENT**

After hearing Councillor Black, Chair, the Forum agreed to adjourn for a short period of time.

The meeting reconvened at 3.50 p.m. with all those Members shown on the Sederunt in attendance with the exception of Mr McEwan.

### **AGENCY WORKERS REGULATIONS 2010**

A report was submitted by the Head of Human Resources and Organisational Development providing an update on the Agency Workers Regulations 2010 which come into effect on 1 October 2011.

Following discussion and having heard the Head of Human Resources and Organisational Development and the Lead HR Adviser - Employee Lifecycle and Workforce Planning in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) to note the actions being taken to comply with legislation;
- (2) that future reports on such matters should provide access to the Equalities Impact Assessment; and
- (3) to otherwise note the contents of the report.

### **PROTECTING VULNERABLE GROUPS SCHEME - UPDATE**

A report was submitted by the Head of Human Resources and Organisational Development:-

- (a) providing an update on the Protecting Vulnerable Groups Scheme (PVG Scheme) which commenced on 28 February 2011; and
- (b) advising of the decisions reached in relation to payment of membership and of the next steps required by the Council.

Following discussion and having heard the Head of Human Resources and Organisational Development and the Lead HR Adviser - Employee Lifecycle and Workforce Planning in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) to note the concerns expressed by the Trades Unions in relation to the Corporate Management Team's decision that all new and existing employees on grades 6 and above would require to pay the PVG membership fees;
- (2) to note the concerns expressed in relation the cost implications of PVG membership for part time workers on grade 6 and above;
- (3) that the Head of Human Resources and Organisational Development would provide a cost analysis of paying PVG Membership for those employees on grade 6 and over to members of the JCF;
- (4) that the procedure being developed in relation to the PVG retrospective exercise would be issued to members of the JCF when available;
- (5) that a report on the PVG scheme and its impact on staff would be referred to the Corporate and Efficient Governance Committee for consideration; and
- (6) to otherwise note the contents of the report and the actions being taken to plan for the retrospective exercise.

### **TRADES UNIONS ISSUES**

#### Payment of fee for Protection of Vulnerable Groups

The Forum agreed to note that this issue had been covered earlier in the meeting.

#### Notification of claim for Employment Support Allowance for staff on long term sick leave

The Forum heard from Ms McLafferty who expressed concern for staff on long term sickness absence who were not always notified of their entitlement to Employment Support Allowance by the 23<sup>rd</sup> week of their absence.

Having heard the Head of Human Resources and Organisational Development in response, the Forum agreed that the matter would be discussed and a resolution would be sought at a meeting to be arranged with the Trades Unions and the Lead Human Resources Adviser, Policy and Employee Relations.

#### The Imposition of the Maximising Attendance Allowance Policy

The Forum agreed to note that this issue had been covered earlier in the meeting.

#### Paid lunch breaks

The Forum heard from Ms Dunlop who referred to proposals to move from paid lunch breaks to unpaid lunch breaks and the concerns of staff in smaller care homes that the move would put both themselves at risk as well as their clients should they be called to an incident during an unpaid lunch break.

Thereafter the Forum heard from the Human Resources Officer and discussed matters relating to the ongoing consultation concerning a move to unpaid lunch breaks.

The Forum agreed:-

- (1) to note the concerns expressed by the Trades Unions and that discussions were ongoing between the Trades Unions and Management; and
- (2) to note that UNISON was already represented at the joint discussions between the Trades Unions and management and that, if considered appropriate, Ms Dunlop could be invited to attend future meetings on the issue.

Having heard the Manager of Legal Services, the Trades Unions side were reminded of the requirement to provide reports in advance of the meeting to ensure that officers were prepared to respond to trades unions issues at the meeting.

### Single Status

The Forum heard from Ms McLafferty who expressed concern for those employees who were in detriment as a result of the Council's Single Status Agreement and who were reaching the end of the 3 year salary protection period.

Following discussion and having heard the Head of Human Resources and Organisational Development in answer to Members' questions, the Forum agreed:-

- (1) that the Head of Human Resources and Organisational Development would look into possible options to assist employees who were in detriment and nearing the end of the period of salary protection;
- (2) that information on the number and location of employees whose posts had been red circled would be passed to the Trades Unions; and
- (3) to note that the Chair, Councillor Black, would discuss the formation of a Red Circle Working Group, which reportedly formed part of a Council motion, with the Executive Director of Corporate Services.

## **STANDING ITEM OF BUSINESS**

### Shared Services

The Forum agreed to note that this issue had been covered earlier in the meeting.

The meeting closed at 4.45 p.m.