

JOINT CONSULTATIVE FORUM

At a Meeting of the Joint Consultative Forum held in Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Friday, 24 March 2011 at 2.10 p.m.

Present: Councillors George Black, Jim Finn, David McBride, Jonathan McColl and John Miller, Karen Dunlop, Tom Morrison, Denise McLafferty, Peter O'Neill and Elaine Smith (UNISON); Brian Courtney and Charlie McDonald (UNITE); Duncan Borland and John Wagner (GMB); Stewart Paterson (EIS) and Jackie McMonagle (AMICUS).

Attending: Terry Lanagan, Executive Director of Educational Services; Elaine Melrose, Executive Director of Housing, Environment and Economic Development; Joyce White, Executive Director of Corporate Services; Tricia O'Neill, Head of Human Resources and Organisational Development; Angela Terry, Manager of Organisational Development; Linda McAlister, Section Head – Employee Relations & Employment Policy; Tracey Keenan, Senior Human Resources Officer; Alan Douglas, Manager of Legal Services and Nuala Borthwick, Committee Officer.

Apologies: Apologies for absence were submitted on behalf of Councillor Jim McElhill; Neil Casey (UNITE) and Alex McEwan (SSTA).

APPOINTMENT OF CHAIR AND VICE CHAIR

In terms of the Constitution, the Forum considered the appointment of Chair and Vice Chair of the JCF from amongst its membership.

Following a request from the Trade Union side for Councillor Black to continue as Chair of the JCF and following advice from the legal officer that the appointment of chair should be subject to annual rotation between Management and the Trades Unions side, the Forum agreed that Councillor Black would continue as Chair for the current meeting and that a report be submitted to Council recommending that Councillor Black remain as Chair for the next year.

Thereafter, the Forum considered the appointment of Vice Chair.

It was unanimously agreed that Ms Jackie McMonagle be appointed as Vice Chair.

Councillor George Black in the Chair

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 Joint Consultative Forum (JCF) held on 17 December 2010 were submitted and approved as a correct record subject to an amendment under the heading 'Minutes of Previous Meeting' (Page 3324 refers), concerning the supply of drinking water at Clydebank High School. It was noted that the site visit had been arranged for St. Peter the Apostle High School and not Clydebank High School as stated in the minutes.

With reference to the item under the heading, 'Minutes of Previous Meeting' (Pages 3328/29 refer), the Forum then heard from Councillor Black in relation to the Trades Unions Issue 'Welfare Rights Grievance'. Having heard Councillor Black, it was noted (i) that Councillor Black had declared an interest as a member of the Appeals Committee at the meeting; (ii) that following discussion at the meeting of the JCF, Councillor Black had raised the procedural matters arising from the welfare rights grievance at a meeting of the Appeals Committee who were of the unanimous view that the grievance should be allowed to proceed through the Grievance Procedure, and that ultimately, it was a matter for the Appeals Committee to decide on the competency of a grievance; (iii) that the Appeals Committee had discussed the principle way in which a grievance was raised and had no details of the specific Welfare Rights grievance; and (iv) that a direct response on the view of the Appeals Committee detailed at item (ii) above was awaited from the Head of Legal, Administrative and Regulatory Services.

Having heard the Manager of Legal Services in legal clarification, the Forum noted that (i) it was open to the JCF to consider the general principles of a particular complaint and thereafter make a recommendation to Council to determine resolution of the complaint; and (ii) that it was the role of the Head of Legal, Administrative and Regulatory Services as Monitoring Officer to determine the competency of any motion/report to Council or Committee.

Following discussion, the Forum agreed that in order to move this matter forward, the undernoted motion be submitted to Council:-

"This JCF refers the principle point of view that officers cannot arbitrarily decide on what is a grievance to Council".

The Forum then heard from the Head of Human Resources and Organisational Development on matters arising from the Minutes of Previous Meeting. It was noted that an email had been circulated to relevant Elected Members and Trades Unions representatives providing information on the issues highlighted following the visit to St. Peter the Apostle High School. It was also noted that further information had yet to be provided on a question concerning the risk of legionnaires disease in the drinking water, which is sourced from rising mains and not from a tank.

The Head of Human Resources and Organisational Development provided an update on progress of the Restructuring and Redeployment Protocol and advised that some matters concerning the Protocol remained outstanding, in particular clarification of the Council decision on what required to be referred to Council in a potential redundancy situation. This would be discussed further at the next meeting of the Employee Liaison Group.

In relation to a point raised by Mr Morrison under the heading 'Minutes of Previous Meeting' (Page 3324 refers) concerning the Trades Unions Recognition and Facilities Agreement, and the recording and retention of trades unions facility time being an attack on the trade union movement, the Head of Human Resources and Organisational Development advised that ACAS Guidance would be applied in respect of the retention period for such information and that it was not intended to report this information for any other purpose.

Having heard the Head of Human Resources and Organisational Development and Mr Morrison in relation to an update provided on the item 'Job Evaluation Process' under the heading 'Minutes of Previous Meeting – Trades Unions Issues (Page 3325 refers), the Forum agreed:-

- (1) to note that management had followed up on commitments following the Trades Unions request for a list of the categories of posts that were successful in the appeals process; and
- (2) that the Trades Unions would provide clarity and/or names of Senior Social Workers who did not receive back payment following the evaluation of Senior Social Worker Posts.

With reference to the item on the heading 'Minutes of Previous Meeting' (Page 3325 refers), the Forum heard from Ms McLafferty concerning the scheduling of a meeting to discuss preventing grievances arising following the outcome of unsuccessful appeals. Having heard the Section Head – Employee Relations and Employment Policy in response, it was noted that the meeting would be organised in due course.

The Forum then heard from Ms McLafferty in relation to an item raised under the heading 'Minutes of Departmental Joint Consultative Committees, Departmental Health and Safety Meetings and Employee Liaison Group Meetings' (Page 3327 refers), concerning the lack of knowledge amongst some managers of the Council's collective bargaining arrangements with the Trades Unions to support organisational change.

The Forum agreed:-

- (1) to note that Management and the Trades Unions had held early discussions on the issue but the consultation process remained a concern for the Trades Unions side;
- (2) that the issue of collective bargaining should remain on the agenda for future meetings of the JCF; and

- (3) that dates for Management Briefing Sessions to support organisational change had been issued to Managers and would go some way to address the issue.

DISCIPLINE AND GRIEVANCE INFORMATION

A report was submitted by the Head of Human Resources and Organisational Development providing information on disciplines and grievances dealt with at Departmental and Appeal Committee level during the Quarter 3 (2010/2011) covering the period 1 October 2010 to 31 December 2010.

The Forum agreed to note the contents of this report.

SICKNESS ABSENCE REPORTING - QUARTER 3 (2010/2011)

A report was submitted by the Head of Human Resources and Organisational Development advising on the levels of employee sickness absence for the third Quarter 2010/2011 (October, November and December 2010).

Having heard the Head of Human Resources & Organisational Development in further explanation of the report and after discussion, the Forum agreed:-

- (1) to note the new targets agreed for West Dunbartonshire Council for 2010/11;
- (2) to note the establishment of the Member/Officer Absence Working Group with the remit to develop a comprehensive Absence Management Plan to encompass all aspects of employee absence;
- (3) to recommend to the Working Group that the Trades Unions representation be increased to at least four trades unions members and that the Trade Union representation be agreed with Management; and
- (4) otherwise to note the content of the report.

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 17 December 2010 to 24 March 2011 including any outstanding minutes from the previous reporting period.

Having heard the Chair, Councillor Black, the Forum agreed:-

- (1) to congratulate Human Resources Officers on their efforts in compiling such a comprehensive report;
- (2) to note that the appendices referred to within the report were available in electronic format on the Council's intranet and website; and
- (3) otherwise to note the contents of the report.

EXTENSION TO THE RIGHT TO REQUEST FLEXIBLE WORKING

A report was submitted by the Head of Human Resources and Organisational Development providing an update on an amendment to the Council's Flexible Working Scheme for Parents and Carers to incorporate legislative changes which would be effective from 6 April 2011.

Having heard the Head of Human Resources and Organisational Development in further explanation of the report and in answer to a question from the Trades Unions side, the Forum agreed:-

- (1) to note the legislative changes and the amendment to the Scheme of Flexible Working for Parents and Carers; and
- (2) to note that the Head of Human Resources and Organisational Development would provide Mr McDonald with statistical information on the number of requests for Flexible Working.

ATTENDANCE MANAGEMENT POLICY

A report was submitted by the Head of Human Resources and Organisational Development providing an update on the proposed new Attendance Management Policy which has been developed in consultation with the Trades Unions.

After discussion and having heard the Executive Director of Corporate Services and the Head of Human Resources and Organisational Development in further explanation of the report and in answer to a question from the Trades Union side, the Forum agreed:-

- (1) to note that the Trades Unions were opposed to the draft Policy in its current form and had concerns that it would be detrimental to certain groups of employees under the Disability Discrimination Act;
- (2) that the Policy be referred to the first meeting of the Absence Management Working Group for further consideration and scrutiny;

- (3) that (i) written feedback/areas of concern on the Policy would be provided to the Head of Human Resources and Organisational Development for submission and consideration by the working group; and (ii) the written feedback/areas of concern on the Policy would also be provided to Elected Members on the JCF for their information and scrutiny; and
- (4) to note the comments made by Councillor McBride in relation to the requirement for real action to address the Council's current high levels of sickness absence.

REPORT ON THE USE OF AGENCY WORKERS WITHIN WEST DUNBARTONSHIRE COUNCIL

A report was submitted by the Head of Human Resources and Organisational Development providing information on the use of agency workers across the Council and on future developments within this area.

After discussion, the Forum agreed:-

- (1) to note the concerns of the Forum in relation to the level of use of agency staff throughout the Council;
- (2) that a further detailed report on the use of agency staff would be provided to a future meeting of the JCF;
- (3) that the further report requested at item (2) above should provide a breakdown of factual information on the use of agency staff for each directorate within the Council;
- (4) to note that the Agency Workers Regulations 2010 would come into effect on 1 October 2011 and that HR & OD would establish an officer working group to assess the impact of the regulations and associated change to working practices; and
- (5) to note that in light of the changing regulations the Council would continue to review the use of Agency Workers to ensure the most cost effective provision is adopted.

Note: Brian Courtney left the meeting at this point.

PERFORMANCE AND DEVELOPMENT PLANNING (PDP)

A report was submitted by the Head of Human Resources and Organisational Development providing an overview of the proposed policy and framework for an approach to Performance and Development Planning (PDP).

ADJOURNMENT

Following a lengthy discussion and having heard Officers in further explanation of the report and in answer to Members' questions, the Forum agreed to adjourn for a period of 5 minutes to enable the Trades Unions side to consider proposals to move towards implementation of the proposed policy with effect from 1 April 2011.

The meeting resumed at 4.30 p.m. with those Members and Officers listed on the sederunt with the exception of Mr Courtney and Miss McMonagle.

Thereafter, the Forum heard from Ms McLafferty on behalf of the Trades Unions side, who proposed that the revised PDP process be introduced as a Pilot Scheme for a 3 month period followed by a review of the process and that discussions should be held between Management and the Trades Unions on how the scheme is monitored. It was noted that the Trades Unions side were concerned that employees had no right of appeal within the framework and were of the opinion that there must be an appeals process within the policy.

Having heard the Executive Director of Corporate Services and the Executive Director of Educational Services in response and following discussion, the Forum agreed:-

- (1) to introduce the revised PDP policy and procedures as a pilot scheme for a 3 year period with a formal review of the process being held at the end of each year during the 3 year period;
- (2) that the policy would be submitted for approval to the meeting of the Corporate and Efficient Governance Committee in April 2011; and
- (3) that clarification would be provided to the Trades Unions in relation to Section 9 – Disagreements, to ensure that information is included to allow for an employee's right of appeal/right to raise a grievance where an employee is unhappy about any aspect of the PDP process as it applies to them.

TRADES UNIONS ISSUES

The Forum noted that the Trades Unions had not intimated in advance of the meeting any matters which they wished to raise for inclusion on the agenda. However, Councillor Black, Chair, invited the Trade Unions officials to raise any concerns which they had.

The Forum heard from Councillor J. McColl in relation to the lack of availability of Trades Unions issues/reports in advance of the meeting over the previous year. In response, the Forum heard from the Manager of Legal Services who reiterated the requirement to provide reports in advance of the meeting and advised of the possible requirement for a review of the governance arrangements of the Forum in light of trade unions issues being raised at each meeting without prior notice.

Increased Fuel Costs

The Forum heard from Mr Morrison who advised that increased fuel costs had resulted in many employees no longer using their own car for business use.

Having heard the Executive Director of Corporate Services in response, the Forum agreed that the issue would be raised through the Employee Liaison Group.

Group Life Assurance

The Forum heard from Mr McDonald concerning a claim made by the family of a deceased member who had encountered problems with the case in the absence of required paperwork.

Having heard the Director of Corporate Services in response, the Forum agreed that both the specific issue and the requirement for a procedure for such cases would be raised through the Employee Liaison Group.

STANDING ITEMS OF BUSINESS

The Forum heard from the Executive Directors who provided updates on each of the standing items of business as undernoted.

Best Value

The Executive Director of Corporate Services provided an update on the combined actions within the Best Value Improvement Plan and advised of recent dialogue with Audit Scotland's Local Area Network on progress made towards engagement of external support. The Forum noted that in time there would be more information sharing within the Council.

Budget Planning

The Forum noted the update provided by the Executive Director of Corporate Services in relation to the allocation of £965,000 in additional funding.

Clyde Valley Shared Services

The Forum heard from the Executive Director of Corporate Services in relation to the outline business cases for those shared services that the Council had agreed to pursue through the Clyde Valley Review of Shared Services.

The Forum noted:-

- (i) the decision of Council in January 2011 to further progress the business cases for waste management, social transport and health and back office services; and

- (ii) that it was anticipated that a report on the outcome of the work on the outline business cases would be provided to the Trades Unions in June 2011

Health and Safety

Having heard the Executive Director of Corporate Services, the Forum noted the position in relation to the restructure of Health and Safety within the Council.

Lifelong Learning

The Forum heard from the Executive Director of Educational Services in relation to the availability of e-learning for Council employees which was available via the intranet, internet and home learning.

Pay Claims

The Executive Director of Educational Services provided an update on the current position on teachers' pay claims.

The Forum noted that following a ballot and rejected offer, a successful counter offer had been offered and it was reported that EIS negotiators were recommending acceptance of that offer.

Single Status

The Head of Human Resources & Organisational Development advised that the Council was now in the process of concluding the final stages of the Appeals Process in relation to Job Evaluation.

It was noted that the Head of Human Resources & Organisational Development would provide the Trades Unions with further information on dealing with successful appeals for those employees on a job group with another employee.

Departmental Re-structuring

The Forum noted the current position in relation to departmental restructuring within each of the directorates.

The Forum noted:-

- (a) that Phase 2 of the departmental restructure within Human Resources & Organisational Development was currently underway;
- (b) that the new structure within Finance & ICT was currently underway and management were in regular dialogue with the Trades Unions concerning the restructure;
- (c) that the consultation period for the Phase 2 restructure within HEEDS had concluded and management would be seeking the views of the Trades Unions on a letter to be issued to all staff within HEEDS;

- (d) that a consultation on the restructure of facilities management would continue forward on a partnership basis over the next few months; and
- (e) that the savings required within the department of Educational Services had been met by early retirement of staff and internal restructures.

Transfer of Housing Stock

The Executive Director of Housing, Environment and Economic Development provided an update on the current position on Housing Stock Transfer.

Thereafter, the Forum heard from the Executive Director of Corporate Services in relation to changing the current list of standing items of business on agendas for meetings of the JCF to the Corporate Priorities of the Council.

The Forum agreed that this be agreed in consultation with the Chair and Vice Chair of the Forum.

Note: Councillor Finn left the meeting during consideration of the above item.

The meeting closed at 5.01 p.m.