

JOINT CONSULTATIVE FORUM

At a Meeting of the Joint Consultative Forum held in Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Thursday, 4 December 2008 at 2.00 p.m.

Present: Councillors George Black, Margaret Bootland, Jim Finn, David McBride, Ronnie McColl and John Millar; Margaret Ferris, Denise McLafferty, Tom Morrison, Alex McEwen, Angela Nicoll, Isobel Paterson and Tom Dick (UNISON); Neil Casey (UNITE); Duncan Borland and Mick Conroy (GMB); John Kennedy (UCATT) and Stewart Paterson (EIS).

Attending: Joyce White, Executive Director of Corporate Services; Tricia O'Neill, Head of Human Resources and Organisational Development; Alan Douglas, Manager of Legal Services and Nuala Borthwick, Committee Officer.

Apologies: Apologies for absence were submitted on behalf of Councillor Jim McElhill and Donald Hamilton and Jackie McMonagle.

Councillor Ronnie McColl in the Chair

COUNCILLOR'S REMARKS

Councillor Bootland was heard in relation to correspondence from the Head of Legal, Administrative and Regulatory Services concerning the requirement for all Councillors to complete a Register of Interests. It was noted that this requirement included declaration of trade union membership and thereafter the JCF noted the following declarations of interest from Elected Members:-

Councillor Margaret Bootland	Member of UNISON
Councillor George Black	Member of T&G (Unite)
Councillor Jim Finn	Member of GMB
Councillor John Millar	Member of T&G (Unite)
Councillor David McBride	Member of PCS (Public and Commercial Services Union)

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Joint Consultative Forum (JCF) held on 25 September 2008 were submitted and approved as a correct record.

In relation to a point under the heading “Paid time off to attend trades union conferences”, the Forum noted that there were still inconsistencies between Council departments for trades union officials gaining time off for trades unions duties and not specifically conferences.

In relation to a point under the heading ‘Disability Leave’ within Trade Union Issues, the Forum noted that a Disability Leave Policy would be helpful to the Council as an authority in addition to trades unions and staff.

In relation to a point under the heading, ‘Stage 3 Appeals Procedures’, the Forum noted that in the trades unions experience, management waited until the trade union submission was made before submitting management’s report. The Forum noted the trades unions view that both should be submitted at the same time.

Having heard Mr Paterson in relation to the short life Working Group set up to investigate Travelling Expenses, the Forum noted that the working group had met on one occasion and a planned second meeting had not yet taken place. The Forum agreed to note that the Executive Director of Corporate Services would progress this issue.

In relation to a point raised by Ms McLafferty under the heading ‘Sickness Absence Statistics – Quarter 1 (April – June 2008/2009)’ concerning the new Occupational Health Service, it was agreed that a discussion to involve the trades unions in the development of new approaches to absence management would be incorporated in a scheduled meeting between the trades unions and management.

In relation to a question from Mr Paterson concerning Phased Return to Work, the Forum noted that phased return to work would generally be an agreement between a line manager and an individual with input from the Occupational Health Service. It was also noted that phased return was encouraged by management in certain situations.

In relation to a point raised by Mr Paterson under the heading ‘Progress Report – Alternative Working Arrangements for Building Cleaning Services in St. Andrew’s High School’, the Forum noted that the issue would be raised with the Executive Director of Housing, Environmental and Economic Development and reported to the next meeting of the Forum.

The Head of Human Resources and Organisational Development was heard in relation to the Alcohol and Substance Misuse Policy. The Forum noted that on receipt of feedback from the Trades Unions on the content of the draft Policy reported to the Forum at its meeting on 25 September 2008, it be progressed to the Corporate and Efficient Governance Committee on 17 December 2008.

In relation to a point raised by Mr Morrison concerning the Dignity at Work Policy, the Forum noted that the concerns raised by the trades unions would be considered during the review process for the policy.

MINUTES OF DEPARTMENTAL JOINT CONSULTATIVE COMMITTEES AND DEPARTMENTAL HEALTH AND SAFETY MEETINGS

A report was submitted by the Head of Human Resources and Organisational Development providing the minutes from Departmental Joint Consultative Committees (JCCs) and Health and Safety meetings for the period from 25 September 2008 until 4 December 2008 and including any outstanding minutes from previous reports.

Following discussion, the Forum agreed:-

- (1) to note the contents of the report;
- (2) to note that there had been no Corporate Services Departmental Health and Safety Meeting and no Corporate Services JCCs held for the period from 25 September 2008 to 4 December 2008;
- (3) that the meeting of the Corporate Services JCC scheduled to be held on 3 December 2008 was postponed and rescheduled for January 2009 due to non attendance of Union representatives; and
- (4) that meetings of JCCs be forward planned from January 2009 to avoid re-scheduling of inquorate meetings.

DISCIPLINE AND GRIEVANCE INFORMATION

A report was submitted by the Head of Human Resources and Organisational Development providing figures for discipline and grievance appeals held at departmental level (Stage 2) for the period from 26 September 2008 to 14 November 2008. It was noted that information relating to Stage 3 (Appeals Committee) is reported separately by Legal, Administrative and Regulatory Services.

The Forum heard from the Manager of Legal Services who provided an update on Appeals Committee Hearings.

The Forum noted that since the meeting of the JCF held on 25 September 2008:-

- (a) 1 grievance appeal had been heard;
- (b) 1 dismissal appeal had been heard;
- (c) 1 grievance appeal had been part-heard;
- (d) 1 grievance appeal had been submitted;
- (e) 3 grievance appeals had been withdrawn;
- (f) 1 dismissal appeal had been withdrawn;
- (g) 2 dismissal appeals and 9 grievance appeals were outstanding;
- (h) 2 of the 3 withdrawn grievance appeals had been withdrawn after being resolved through mediation; and
- (i) Equal pay grievance appeals had not been included in the update.

Forum members noted that management would continue to seek to have at least two appeals heard every month.

TRADE UNION ISSUES

Disciplinary Action

The Forum heard from Mr Morrison who advised that there were concerns over the consideration of disciplinary hearings where employees were on sick leave. Mr Morrison advised that there had been instances where trade union representatives had been asked to attend hearings where the employee was on sick leave.

Following discussion, the Forum agreed:-

- (1) that the Head of Human Resources and Organisational Development would investigate the individual cases discussed; and
- (2) that the disciplinary procedure be reviewed to prevent re-occurrence of disciplinary hearings going ahead where an employee was on sick leave.

Stage 3 Grievances

The Forum heard from Mr Morrison who advised that there were concerns with the provision of reporting the outcome of Stage 3 Grievances Hearings.

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

- (1) that the following information be provided to appellants in writing following a Stage 3 Grievance Hearing:-
 - (i) the category of grievance;
 - (ii) those aspects or points of grievance which the Appeals Committee upheld should be listed; and
 - (iii) a list of further action be included with the correspondence.
- (2) that Elected Members on the Appeals Committee be provided with a copy of the letter sent to the appellant; and
- (3) to note that the Corporate Management Team (CMT) would review the level of Appeals and the Head of Human Resources and Organisational Development would provide recommendations in relation to the Appeals Process to the next meeting of the JCF.

Timescales for Processing Grievances

The Forum heard from Mr Morrison who advised that the trades unions had concerns that timescales for processing grievances were not being met by management.

Following discussion and having heard the Executive Director of Corporate Services and the Head of Human Resources and Organisational Development, the Forum agreed:-

- (1) to note that the CMT would consider the grievance process to improve adherence to timescales in each stage of the grievance process;
- (2) that, assuming the information was capable of being obtained, a report be submitted to the next meeting of the JCF, providing information on the timescales for processing grievances during the 3 month period to the next meeting of the JCF and on whether these timescales were being met by departments; and
- (3) to note that the Head of Human Resources and Organisational Development would prepare a template for completion by minute takers at grievance hearings.

Disciplinary Procedure – Investigatory Stage

Having heard Mr Morrison in relation to the investigatory stage in the Disciplinary Procedure, the Forum agreed that management and the trades unions would meet to discuss the investigatory stage including issues such as the standardisation of investigatory reports and the independence of the investigation.

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

Pensions

The Forum heard from Mr Conroy in relation to a pension query for Care Takers concerning the 3 year protection period. It was agreed that the Head of Human Resources and Organisational Development would liaise with Mr Conroy directly in relation to this issue.

In relation to a point raised by Mr Conroy concerning a specific pension issue in relation to Statutory Sick Pay, it was agreed that the issue be referred to the relevant directorate.

Strike Payment

In relation to a point raised by Mr Casey concerning strike pay made to manual workers, it was agreed that the Head of Human Resources and Organisational Development would investigate the particular issue raised and refer back to Mr Casey.

Future Trade Union Issues

Following discussion and having heard the Manager of Legal Services, the Forum noted that Ms McLafferty would provide a list of trade union issues for inclusion on future agendas for the Forum.

STANDING ITEMS OF BUSINESS

The Forum agreed to note the current position on the following:-

- (i) Appeals Committee Hearings; and
- (ii) Best Value;

Budget Planning

The Executive Director of Corporate Services was heard in explanation of the budget planning process.

The Forum noted that the Council had agreed to set up a Budget Working Group to discuss budget plans. It was noted that there was a budget deficit of £6.2 million for 2009/2010 and that all Executive Directors had been instructed to identify 5% savings within their departmental budgets to provide Members with a choice of savings options to make the necessary reductions to balance the budget for 2009/2010.

It was noted that there would be specific discussions with trades unions as the budget plans were developed.

Single Status

The Forum heard from the Executive Director of Corporate Services who provided an update on the progress of the Single Status process. After discussion the Forum agreed to note:-

- (1) that a Project Board had been formulated to progress the implementation of the Single Status arrangement agreed at the meeting of Council held on 19 August 2008;
- (2) that letters of notice detailing the implementation of Single Status had been issued to all staff from line managers;
- (3) that fortnightly meetings were currently being held with trades unions to progress issues associated with Single Status; and
- (4) the concerns of the trades unions over the process of issuing the letters of notice, particularly given that letters were still being issued 1 week after the date on the letter.

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

Health and Safety

After hearing from the Executive Director of Corporate Services, the Forum agreed to note:-

- (1) that there was a planned visit from the Health and Safety Executive to West Dunbartonshire Council; and
- (2) that a meeting of the Corporate Health and Safety Committee would be held on 11 December 2008.

Training and Development

Having heard the Executive Director of Corporate Services, the Forum noted that it was anticipated that a Training Strategy on health and safety would be submitted to the Corporate and Efficient Governance Committee for ratification at its meeting on 25 February 2009.

DATE OF NEXT MEETING

It was agreed that the next meeting of the Forum would be held on 26 March 2009 at 2.00 p.m. with a pre-meeting involving the trades unions representatives only, taking place at 11.00 a.m. the same day.

The meeting closed at 3.45 p.m.