

JOINT CONSULTATIVE FORUM

At a Meeting of the Joint Consultative Forum held in the Civic Space, 16 Church Street, Dumbarton on Thursday, 5 December 2019 at 2.05 p.m.

Present: Councillors Karen Conaghan, David McBride, Jonathan McColl and Iain McLaren; James Halfpenny (EIS); David Scott (GMB); Claire Mackenzie (SSTA); Sean Davenport, Val Jennings, Andy McCallion and David Smith (UNISON); and Chris Rossi and Margaret Wood (Unite).

Attending: Angela Wilson, Strategic Director – Transformation & Public Service Reform; Victoria Rogers, Strategic Lead – People & Technology; Malcolm Bennie, Strategic Lead – Communications, Culture, Communities & Facilities; Stephen West, Strategic Lead – Resources; Amanda Coulthard, Performance & Strategy Manager; Claire Cusick, Senior Education Officer – Pupil Support; Alison McBride, Strategic People and Change Manager; Louise Hastings, HR Business Partner; Cher Colquhoun, HR Adviser; Raymond Lynch, Senior Solicitor; and Scott Kelly, Committee Officer.

Apologies: Apologies for absence were intimated on behalf of Councillors Jim Finn and Daniel Lennie; Jim McAloon, Strategic Lead – Regeneration; Julie Lusk, Head of Mental Health, Addictions and Learning Disability; Stephen McCrossan (EIS); and John Wagner (GMB).

Mr David Smith in the Chair

DECLARATIONS OF INTEREST

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

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Joint Consultative Forum held on 3 September 2019 were submitted and approved as a correct record.

EMPLOYEE ENGAGEMENT RESULTS 2019

A report was submitted by the Strategic Leads for Communications, Culture, Communities & Facilities, and People & Technology outlining the results and key findings from 2019 Employee Engagement activity.

After discussion and having heard the Performance & Strategy Manager and relevant officers in further explanation of the report and in answer to Members' questions, the Forum agreed:-

- (1) to note the comparison to 2017 employee survey results;
- (2) to note that each Strategic Area would establish specific service improvement activities that would be incorporated into the 2020/21 delivery plans; and
- (3) that once service improvement activities had been agreed the Performance & Strategy Manager would produce a document summarising these and share it with the Forum.

EMPLOYMENT RELATIONS MONITORING: 1 APRIL TO 30 SEPTEMBER 2019 BI-ANNUAL UPDATE

A report was submitted by the Strategic Lead – People & Technology advising of progress on Council-wide employment relations matters for the period 1 April to 30 September 2019.

After discussion and having heard the HR Business Partner and relevant officers in further explanation of the report and in answer to Members' questions, the Forum agreed:-

- (1) to note that the Strategic Lead – People & Technology would give consideration to providing Members of the Appeals Committee with details of the outcomes of future employment tribunals where the decision was contrary to that taken by the Council;
- (2) to note that the Strategic Lead – People & Technology had invited Mr McCallion to speak with her, outwith the meeting, should he require further information relating to the time taken for investigations to be concluded; and
- (3) otherwise to note the contents of the report.

EMPLOYEE WELLBEING: ATTENDANCE MANAGEMENT BI-ANNUAL 1 APRIL TO 30 SEPTEMBER 2019 (COUNCIL-WIDE)

A report was submitted by the Strategic Lead – People & Technology providing a detailed analysis on Council-wide employee wellbeing and attendance for the period April to September 2019.

After discussion and having heard the HR Business Partner and relevant officers in further explanation of the report and in answer to Members' questions, the Forum agreed:-

- (1) to note the increase in Council-wide sickness absence of 3,471.84 full time equivalent (FTE) days lost compared to the same period in the previous year;
- (2) to note that work-related stress had decreased by 5% compared to the same period in the previous year;
- (3) to note that a number of services had been restructured in Quarter 1 2019 and so any historical comparisons should be considered as indicative and not an absolute figure and that further information regarding the services impacted had been outlined in section 4.1 of the report; and
- (4) to note with concern the increase in the number of working days lost due to work-related accidents/injuries in comparison to the same period in the previous year, from 280.93 days to 633.56 days, and that further information in relation to this matter should be submitted to the next meeting of the Forum.

TRADES UNIONS ISSUES

Restructures (item requested by GMB, UNISON and Unite)

The Forum heard from Mrs Wood who expressed disappointment that a report proposing a restructuring of One Stop Shop and Library Services had been submitted to a recent meeting of the Corporate Services Committee and approved without consultation first having taken place with trades unions or employees and queried whether the Members of the Committee had been made aware of this. She also questioned whether there was sufficient evidence that the recent transfer of face-to-face Citizen Services to Alexandria Library had been a success as stated in the report.

In response the Strategic Lead – Communications, Culture, Communities & Facilities stated that he was sorry and disappointed to hear that upset had been caused in relation to this matter. He advised that the matter had been raised with trades unions in August 2019 and that attempts had been made to arrange a further meeting with trades unions conveners which had not been possible in view of timescales.

He further stated: (i) that an overview of the proposals had been prepared for employees prior to the issuing of the report to the Corporate Services Committee; (ii) that it had been confirmed to employees that formal consultation would begin next week; (iii) that he believed there was still time for a successful outcome to be reached with the trades unions; (iv) that because the proposals required a change in policy it had been appropriate to have first sought and received direction from Elected Members prior to the commencement of formal consultation; and (v) that in terms of the proposals, all employees would keep their jobs, working hours, terms and conditions and place of work with the exception of four employees whose new place of work would be 500 metres further away.

In terms of the benefits of the proposals, he emphasised: (i) that the delivery of Citizens Services was shown to have worked in Alexandria Library and also in libraries nationally given that libraries are traditional community hubs; and (ii) that such a model of service delivery would help to make libraries more sustainable and attract more visitors.

After further discussion, the Forum agreed:-

- (1) to note the trades unions' concerns in relation to: (i) not having been notified of the proposal at the earliest opportunity; and (ii) the possible impact on workloads if posts were to be deleted;
- (2) to note that it was the view of Management that the proposal represented a positive development of the service rather than a restructure; and
- (3) to note that the progress of the project would be discussed at the relevant joint consultative committee.

VE Day/May Day (item requested by UNISON)

The Forum heard from Ms Jennings who made reference to the decision to move the May 2020 public holiday from Monday, 4 May to Friday, 8 May to coincide with the 75th anniversary of VE Day and stated that UNISON had a red line on entering into discussions on any changes to terms and conditions. She also confirmed that a way forward had been found to ensure that such a situation was avoided in future.

she hoped that a way forward could be found for the original public holiday to be retained and for an additional holiday to be granted for VE Day.

Following discussion, Councillor McColl, on behalf of the Administration, made reference to a decision in relation to this matter having been taken at the Union Convener meeting on 18 June 2019 and that the trades unions had therefore had an opportunity to discuss the proposed change and to object to it.

In this regard there was submitted (tabled) a document which contained an extract of the aforementioned minutes and additionally extracts of: (i) the minutes of the subsequent Union Convener meeting held on 20 August 2019 at which the minutes of the 18 June 2019 meeting had been approved by all signatory unions; and (ii) the minutes of meeting of the Local Negotiating Committee for Teachers held on 18 June 2019 at which the change in the date of the public holiday had also been agreed by all members of the Committee.

He also stated that the Administration would write to Ms Jennings and the other trades unions to confirm that no changes to terms and conditions were anticipated.

Following further discussion, the Forum agreed:-

- (1) to note the terms of the discussion in relation to this matter; and
- (2) that in the future decisions in relation to such matters should be carefully articulated and any concerns or disagreements raised at the appropriate time.

Bullying and Harassment Policy (item requested by UNISON)

The Forum heard from Mr McCallion who expressed concern that the Council did not have a stand-alone policy to address bullying and harassment and dignity at work issues which he considered was important in view of these being significant in terms of absence. He made reference to the Best Value report published in 2006 which had highlighted bullying and harassment as particular problems. He acknowledged that the Grievance Policy contained two pages which related to bullying and harassment but argued that a separate policy was needed.

In response, the Strategic Lead – People & Technology made reference to the 2018 Best Value report which had found no evidence of bullying or harassment at the Council and highlighted significant improvements in terms of openness and transparency and a focus on employee wellbeing with all of the recommendations from the 2006 report having been implemented.

She clarified that the Dignity at Work Policy had received negative feedback from the trades unions who had reportedly found it confusing and, at their request, it had been incorporated in to the Grievance Policy in 2015. The Grievance Policy was revised at the same time to include a section on mediation which is used to address difficulties in employee relations as well as the separate appendix on bullying. The Strategic Lead further added that consideration would be given to extending the content of the appendix on receipt of relevant details from UNISON colleagues.

Following discussion, the Forum agreed that this matter should be discussed at a future Union Convener meeting at which UNISON would advise what was felt to be missing from the Grievance Policy in terms of bullying and harassment and that they should notify the Strategic Lead – People & Technology whether they wished for this to be discussed at the December 2019 or January 2020 meeting.

Appeals Procedure (item requested by UNISON)

The Forum heard from Mr McCallion who expressed concern that while employees are able to appeal the outcomes of grievances through the Grievance Policy, no process existed to appeal a decision that a matter could not be considered in terms of the policy, for example when a matter was determined to be covered by a national or local agreement or to be outwith the delegated authority of the Strategic Lead area.

In response, the Strategic Lead – People & Technology stated that it was inaccurate to say that no right of appeal existed in such circumstances because the relevant Strategic Lead was obliged to consult with colleagues in the Legal section when a determination was made that a matter fell outwith delegated authority. The Senior Solicitor confirmed that section 4.1 of the Grievance Policy clarified when managers were required to seek advice from the Council's Monitoring Officer. The Strategic Lead – People & Technology then clarified that disagreements in respect of matters covered by national or local agreements were remitted to her to consider afresh.

Following discussion, the Forum agreed that the Strategic Lead – People & Technology should issue a briefing note to the members of the Forum setting out the circumstances of the different types of complaints and their respective escalation routes.

The meeting closed at 4.15 p.m.