

JOINT CONSULTATIVE FORUM

At a Meeting of the Joint Consultative Forum held in Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Thursday 26 March 2009 at 2.00 p.m.

Present: Councillors Margaret Bootland, David McBride, Ronnie McColl, Jim McElhill and John Millar; Margaret Ferris, Denise McLafferty, Jackaleen McMonagle, Tom Morrison and Tom Dick (UNISON); Neil Casey, Charlie McDonald and Brian Courtney (UNITE); Duncan Borland (GMB); John Kennedy (UCATT) and Stewart Paterson (EIS).

Attending: Joyce White, Executive Director of Corporate Services; Elaine Melrose, Director of Housing, Environmental and Economic Development; Tricia O'Neill, Head of Human Resources and Organisational Development; Nigel Ettles, Principal Solicitor and Nuala Borthwick, Committee Officer.

Apologies: Apologies for absence were submitted on behalf of Councillor Jim Finn and Alex McEwen (S.S.T.A).

APPOINTMENT OF CHAIR AND VICE CHAIR

The Forum noted that in terms of the constitution there was a requirement to nominate a Chair and Vice-Chair of the Forum. It was agreed that Margaret Ferris (UNISON) be nominated as Chair. Accordingly, Mrs Ferris assumed the Chair.

Thereafter, the Chair, Mrs Ferris, requested nominations for Vice-Chair.

Councillor McElhill, seconded by Ms McLafferty, moved that Councillor Ronnie McColl be appointed as Vice-Chair of the Joint Consultative Forum (JCF).

As an amendment, Councillor John Millar, seconded by Councillor David McBride, moved that Councillor Margaret Bootland be appointed as Vice-Chair of the JCF.

On a vote being taken, 4 Members voted for the amendment and 3 for the motion. The amendment was accordingly declared carried.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Joint Consultative Forum (JCF) held on 4 December 2008 were submitted and approved as a correct record.

The Executive Director of Corporate Services was heard in relation to the short life Working Group set up to investigate travelling expenses. The Forum noted that a final report on the issue of travelling expenses would be submitted to the next meeting of the Forum.

In relation to a point raised by the Head of Human Resources and Organisational Development under the heading 'Minutes of Previous Meeting' in relation to Absence Management, the Forum noted that the Trades Unions had taken the opportunity to discuss Absence Management with the Management Side and would be involved in development of the new process.

In relation to a point raised by the Executive Director of Corporate Services under the heading, 'Minutes of Departmental JCCs and Departmental Health and Safety meetings', the Forum noted that a re-scheduled meeting of the Corporate Services JCC had been held on 29 January 2009.

Having heard Ms McLafferty in relation to a point raised under the heading 'Minutes of Previous Meeting' concerning Progress Report – Alternative Working Arrangements for Building Cleaning Services in St. Andrew's High School, the Forum agreed that the issue would be reported back to the JCC.

FLEXIBLE WORKING SCHEME – LEGISLATIVE CHANGES

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 2009.

Having heard the Head of Human Resources and Organisational Development in further explanation of the report, the Forum agreed to note the legislative changes and the amendment to the Scheme of Flexible Working for Parents and Carers.

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 & Safety meetings for the period from 4 December 2008 to date, including any outstanding minutes from previous reports.

Following discussion and having heard the Executive Director of Corporate Services and the Executive Director of Housing, Environmental and Economic Development, the Forum agreed:-

- (1) that the Minutes of meetings be standardised using the format used by the Department of Social Work and Health as a template for all future Minutes from departmental JCCs and Health and Safety meetings reported to the JCF; and

- (2) that constitutions for the JCCs and the JCF be reviewed through the fortnightly meetings between Trades Unions and Management and that the outcome of the review process be reported back to a future meeting of the JCF; and
- (3) to note that the Executive Director of Housing, Environmental and Economic Development would investigate the delay in scheduling a meeting between Facilities Management and the Department of Educational Services.

SICKNESS ABSENCE REPORTING

A report was submitted by the Head of Human Resources and Organisational Development advising of the current position and the proposed actions in relation to absence management within West Dunbartonshire Council and reporting on the levels of employee sickness absence over the following periods:-

1. 1 July 2008 to 30 September 2008 (Quarter 2).
2. 1 October 2008 to 31 December 2008 (Quarter 3).
3. 1 April 2007 to 31 December 2008.

Having heard the Executive Director of Corporate Services and the Head of Human Resources and Organisational Development in further explanation, the Forum agreed to note the contents of the report.

ANNUAL LEAVE ENTITLEMENTS (AMENDED SCHEME)

A report was submitted by the Head of Human Resources and Organisational Development providing an update on the revisions to the Council's Annual Leave Scheme to incorporate changes through the Council's new terms and conditions package and a recent judgement by the European Court of Justice (ECJ) in relation to the accrual and payment of holidays during long term sickness absence.

Following 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 Members' questions, the Forum agreed:-

- (1) to note the amendment to the Annual Leave Scheme for local government employees with effect from 1 April 2009;
- (2) to note the agreement by Chief Officers to vary their terms and conditions of employment with regard to the changes to the annual leave and public holiday entitlement;
- (3) to note that the existing Scheme would remain in force for craft workers subject to the amendments made through case law;

- (4) to note that for the time being the maximum carry over holiday leave entitlement would be 4 weeks (20 days) where the employee had been unable to take leave due to long-term sickness absence;
- (5) to note that further changes may be necessary once the House of Lords decision had been announced;
- (6) that the concerns raised by the Trades Unions in relation to ancillary staff in schools being compelled to take designated school holidays as annual leave be raised with the Executive Director of Educational Services; and
- (7) that the Corporate Management Team would consider the option of including Good Friday as one of the Council's eight fixed Public Holiday dates.

DISCIPLINE AND GRIEVANCE INFORMATION

A report was submitted by the Head of Human Resources and Organisational Development providing information on discipline and grievance appeals held at departmental level (stage 2) during the period 1 November 2008 to 3 March 2009. It was noted that information relating to Stage 3 (Appeals Committee) was reported separately by Legal, Administrative and Regulatory Services.

The Forum heard from the Principal Solicitor who provided an update on the Appeals Committee Hearings.

The Forum noted that since the meeting of the JCF held on 4 December 2008:-

- (a) 2 grievance appeals had been heard;
- (b) 2 dismissal appeals had been heard;
- (c) 4 grievance appeals had been submitted;
- (d) 1 grievance appeal had been withdrawn;
- (e) 0 dismissal appeals and 10 grievance appeals were outstanding;
- (f) the withdrawn grievance appeal had been withdrawn after being resolved through mediation; and
- (g) equal pay grievance appeals had not been included in the update.

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 managers be informed that the 'Record of Grievance Hearing' contained at Appendix 3 of the report (Managers Guidance – Dealing with Grievances') does not require to be signed by an appellant at a hearing;
- (2) that the Head of Human Resources and Organisational Development would provide further clarification throughout the Council on the issue that employees have the right to raise a grievance through the Council's Grievance Procedure without having gone through the Dignity at Work process beforehand; and

- (3) that the Head of Human Resources and Organisational Development would provide statistical information on equal pay grievances directly to Councillor Bootland in writing.

TRADE UNION RECOGNITION AND FACILITIES AGREEMENT

A report was submitted by the Head of Human Resources and Organisational Development seeking feedback from the Forum on the proposal to introduce a Trade Union Facilities Agreement and undertake a job evaluation of the role of Trade Union Convenor.

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

- (1) that the Employee Liaison Group be tasked with development of a Recognition and Facilities Agreement and a Job Profile to support the evaluation of the role of the Trade Union Convenor; and
- (2) that the Group would report back to the Forum at its meeting to be held in June 2009.

TRADES UNIONS ISSUES

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

- (i) TU Facilities.
- (ii) ICT Security Policy.
- (iii) Notes/Minutes of Formal Meetings (ie grievance, disciplinary and managing attendance meetings).
- (iv) School/Public Holidays.
- (v) Good Friday.

Childcare Vouchers

The Forum heard from Ms McLafferty who advised that there were concerns over the absence of a system to process tax free Childcare Vouchers in the Council.

Having heard the Head of Human Resources and Organisational Development, the Forum noted:-

- (1) that the Human Resources Working Group was progressing this issue; and
- (2) that the tendering process for the system was underway with the planned introduction of the scheme scheduled for September 2009.

Code of Conduct and Elected Member Protocol

The Forum heard from Ms McLafferty who raised concerns in relation to the Code of Conduct and Elected Member Protocol in relation to the Single Status Pay Dispute.

Following discussion, the Forum agreed to note the concerns of the Trades Unions in relation to a possible breach of the Council's Code of Conduct where an employee of the Council contacts an Elected Member.

Disclosure

The Forum heard from Mr Paterson who advised that teachers from St. Columba's High School and St. Andrew's High School, who were transferring to the new St. Peter the Apostle High School in Clydebank, would be required to undergo a disclosure check at a significant cost to the Council.

Following discussion, it was agreed that the Head of Human Resources and Organisational Development should investigate the issue with the Executive Director of Educational Services and report back to Mr Paterson.

Living Wage of £7.00 per Hour

Ms McMonagle was heard in relation to the possibility of having a living minimum wage of £7.00 per hour at the Council.

Following discussion and having heard Officers in answer to Members' questions, the Forum agreed that a report would be presented to a future meeting of the Forum outlining the consequences of the suggested uplift in the minimum pay to £7.00.

STANDING ITEMS OF BUSINESS

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

- (i) Appeals Committee Hearings.
- (ii) Health and Safety.

Best Value

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

- (1) that Audit Scotland required a draft Best Value report from the Council by the end of April 2009;
- (2) that eleven priorities had been identified as immediate by Audit Scotland; and

- (3) that 3 medium-term priorities had been identified by Audit Scotland on their last visit to West Dunbartonshire Council.

Budget Planning

The Executive Director of Corporate Services provided an update on the budget planning process and in so doing advised that a 10 year plan based on a set of presumptions was currently under consideration by the Corporate Management Team and would be reported to a future meeting of the Corporate and Efficient Governance Committee.

The Forum noted that the budget for 2009/2010 had been agreed by West Dunbartonshire Council at its meeting held on 12 February 2009 and that consultation had taken place with the Trade Unions in relation to the proposals.

Single Status

The Forum heard from the Head of Human Resources and Organisational Development who provided an update on the progress of the Single Status process.

After discussion, the Forum agreed to note:-

- (1) that over 5000 new contracts had been issued to employees and the majority of the re-alignment payments had been processed to employees in relation to pay modernisation;
- (2) that Peter Hay, former Director of HR , Aberdeenshire Council had been appointed as the independent Chair of the Appeals Panel and had considerable expertise in the application of nationally agreed job evaluation scheme;
- (3) that nominations had been received from both the Trades Unions and senior management for membership of the Appeals Panel; and
- (4) that in some instances, it was anticipated that strategies to mitigate detriment could be taken forward and resolved by management prior to completion of the appeals process.

Health and Safety

After hearing the Executive Director of Corporate Services, the Forum agreed to note that the Minutes of Meeting of the Corporate Health and Safety Committee held on 12 March 2009 would be circulated prior to its next meeting to be held on 11 June 2009.

Training and Development

The Forum heard from the Executive Director of Housing, Environmental and Economic Development who provided an overview on a piece of work undertaken by the Best Value Organisational Development Working Group to explore issues which reflect the current culture within the Council by using a tool known as 'Culture Web'.

The Forum noted:-

- (1) that a series of diagnostic workshops had been facilitated involving over 150 staff and managers from across services;
- (2) that the outcome of the workshops had been collated to create a 'culture lens' as a way of viewing the organisation and that the perceptions of the current culture had been shared with the CMT;
- (3) that a second of two workshops would be held in April 2009 involving the Senior Management Network to share feedback with them and in turn facilitate organisational change; and
- (4) that an update on the progress of 'Culture Web' would be reported to a future meeting of the Forum.

In relation to a point raised by Mr. Casey concerning employee training records being fragmented, the Forum noted that approval had been granted through the tendering process for the purchase of a new employee information system capable of recording employee training records. It was anticipated that the new system would become live on 1 April 2010.

In relation to a point raised by Mr McDonald concerning Lifelong Learning, the Forum agreed that the issue of Skills for Life would be raised with the Manager of Organisational Development.

PROGRAMME OF FUTURE MEETINGS

The following dates and times for future meetings of the JCF were agreed:-

Thursday, 25 June 2009 at 2.00 p.m.
Thursday, 24 September 2009 at 2.00 p.m.
Friday, 11 December 2009 at 2.00 p.m.

The meeting closed at 3.44 p.m.