

## **JOINT CONSULTATIVE FORUM**

At a Meeting of the Joint Consultative Forum held in Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Thursday, 20 March 2008 at 2.00 p.m.

**Present:** Councillors George Black, Margaret Bootland, Geoff Calvert, Jim Finn, and Ronnie McColl; Margaret Ferris, Denise McLafferty, Tom Morrison, Tom Dick and Isabel Patterson (UNISON); Jackaleen McMonagle (AMICUS); Donald Munro and Charlie McDonald (UNITE); Duncan Borland (GMB) 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; Lara McLachlan, Solicitor and Shona Barton, Committee and Members' Services Officer.

**Apologies:** Apologies for absence were submitted on behalf of Councillor David McBride, David McMillan, Brian Courtney, Neil Casey, Mick Conroy, Alex McEwan and Kath Ryall.

## **APPOINTMENT OF CHAIR**

The Forum agreed that Councillor Ronnie McColl be appointed as Chair of the Joint Consultative Forum and Margaret Ferris be appointed as Vice-Chair. Accordingly, Councillor McColl assumed the Chair.

## **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Joint Consultative Forum (JCF) held on 29 November 2007 were submitted and approved as a correct record.

In relation to a point raised under the heading "Sickness Absence Statistics – Quarter 2", the Forum heard from the Executive Director of Corporate Services who advised of a managing absence pilot which would be taking place in the Corporate Services Department. It was noted that this pilot would focus on long-term sickness, how absence is managed and what the Council can do to help people back into the workplace. It was further noted that a report would be submitted to a future meeting of the Forum which would provide an update on this managing absence pilot.

In relation to a point raised by Mr. Patterson under the heading "St Andrew's Day Bank Holiday – 30<sup>th</sup> November", the Forum noted that employees of the Scottish Government would be receiving an extra day public holiday to celebrate St Andrew's Day. After discussion and having heard the Executive Director of Corporate Services in answer to Members' questions, the Forum agreed that a report be

submitted to a future meeting of the Forum providing information on the associated costs of providing this as an additional public holiday and an appraisal of the possible political implications and how that would impact on the Council.

In relation to a point raised by Ms. McLafferty under the heading “Whistleblowing Hotline”, the Forum noted that there were still concerns over the operation of the Whistleblowing Hotline. After discussion and having heard the Head of Human Resources and Organisational Development in further explanation and in answer to Members’ questions, the Forum agreed:-

- (1) that this issue be referred back to the Internal Audit Department for clarification on who investigates the complaints which are made via the hotline; and
- (2) that the concerns of the trades unions that the hotline was being used for Dignity at Work Complaints would be referred to the working group undertaking the review of the Dignity at Work Policy.

In relation to a point raised by Ms. McLafferty under the heading “Review of Dignity at Work Policy”, the Forum noted that the review of the policy was still ongoing and that a working group had been formed to take this forward.

After 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 liaise with the trades unions to obtain feedback on the draft policy before submitting the policy to the Corporate and Efficient Governance Committee for approval; and
- (2) to note the concerns of the trades unions that the policy should not be implemented before the relevant training sessions had been provided for managers.

## **DISCIPLINE AND GRIEVANCE INFORMATION**

With reference to the Minutes of Meeting of the Joint Consultative Forum held on 29 November 2007 (Page 621 refers), 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 quarterly period from 1 October 2007 to 31 December 2007.

After discussion and having heard the Head of Human Resources and Organisational Development in further explanation and in answer to Members’ questions, the Forum agreed:-

- (1) to note the contents of the report; and

- (2) to note that a management bulletin had been issued to all managers highlighting the need to adhere to the timescales involved when hearing grievance appeals.

In relation to a point raised by Ms. McLafferty, the Forum noted that there were concerns that the trades unions were not always notified about disciplinary hearings taking place at departmental level. It was further noted that the trades unions had been given an undertaking that managers would notify them when such hearings were taking place. It was agreed that this issue would be investigated to obtain further clarification and advice on any legal implications associated with supplying this information.

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

The Forum noted that since the JCF on 29 November 2007, 2 dismissal appeals had been heard, 2 grievance appeals had been heard and 4 grievance appeals had been submitted. It was further noted that there was 1 dismissal and 15 grievance appeals outstanding.

### **USE OF A COMPROMISE AGREEMENT WHEN ENDING EMPLOYEE/ EMPLOYER RELATIONSHIP**

With reference to the Minutes of Meeting of the Joint Consultative Forum held on 29 November 2007 (Page 623 refers), a report was submitted by the Head of Legal, Administrative and Regulatory Services advising on the use of compromise agreements in certain circumstances where the employment relationship between the Council and an employee comes to an end.

After discussion and having heard the Manager of Legal Services in further explanation and in answer to Members' questions, the Forum agreed:-

- (1) to note the use of compromise agreements for voluntary severance, early retirement packages and mutually agreed termination of an employment relationship where deemed appropriate; and
- (2) to recommend to Council or the appropriate Committee of Council that the costs of independent legal advice be met by the Council where it is considered appropriate to use a compromise agreement.

### **ANNUAL LEAVE ENTITLEMENT FOR EMPLOYEES ON SICKNESS ABSENCE**

A report was submitted by the Head of Human Resources and Organisational Development providing information on the revision to the Council's Policy on Annual Leave Entitlements for employees absent through sickness for a continuous period exceeding 13 weeks in one leave year.

After discussion and having heard the Head of Human Resources and Organisational Development in further explanation and in answer to Members' questions, the Forum agreed to continue this item until the next meeting to allow for further discussion to take place between management and the trades unions.

### **SICKNESS ABSENCE STATISTICS – QUARTER 3 (OCTOBER – DECEMBER 2007/2008)**

A report was submitted by the Head of Human Resources and Organisational Development advising on the levels of employee absence for Quarter 3 covering the 3 month period from 1 October 2007 to 31 December 2007.

After discussion and having heard the Head of Human Resources and Organisational Development and the Executive Director of Corporate Services in further explanation and in answer to Members' questions, the Forum agreed to note the contents of the report.

### **MINUTES OF DEPARTMENTAL JOINT CONSULTATIVE COMMITTEES AND DEPARTMENTAL HEALTH & SAFETY MEETINGS**

A report was submitted by the Head of Human Resources and Organisational Development providing the minutes for Departmental Joint Consultative Committees (JCCs) and Health and Safety meetings for the period from 1 October until 31 December 2007 and including any outstanding minutes from previous reports.

After discussion the Forum agreed:-

- (1) to note the contents of the report;
- (2) to note that there had been no Education JCCs held since April 2007;
- (3) to note that the Corporate Management Team would be addressing the issue of JCCs at departmental level, particularly where gaps in provision of these meetings had been identified;
- (4) to note that officers would investigate whether there should be Elected Member representation on the Corporate Safety Committee; and
- (5) that a report be submitted to the next meeting of the Forum providing information on the Council policy of having Personal Development Plans for all employees, with particular reference to manual workers.

## **TRADES UNION ISSUES**

### **Travelling Expenses**

A report was submitted by the Trades Union Side seeking agreement to establish a short life working group to investigate the cost to employees who use their own transport for Council business.

After discussion and having heard the Executive Director of Corporate Services in answer to Members' questions, the Forum agreed to the formation of a short life working group of officers and trades union representatives to investigate rates paid to staff and Elected Members who use their own transport for Council business.

## **STANDING ITEMS OF BUSINESS**

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

- (i) Appeals Committee Hearings;
- (ii) Best Value;
- (iii) Health and Safety; and
- (iv) Training and Development.

### **Budget Planning**

In relation to a point raised by Ms. McLafferty, the Forum noted that management had given a commitment that the trades unions would be involved at all stages of the budget planning process.

### **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 some 4675 letters had already been sent out;
- (2) that the Corporate Management Team was committed to getting as many letters out as possible before the trades union ballots;
- (3) that the trades unions were considering the possibility of extending the consultation period on the ballots;
- (4) the concerns of the trades unions over the process, particularly given that a number of staff would not receive their letters before the consultation period ends and the ballot process begins; and
- (5) that the final decision on the proposals would be made by the Elected Members of the Council.

### McCrone Recommendations

It was noted that this item was no longer relevant and should be removed as an agenda item for future meetings.

### Absence

It was noted that a regular report was submitted on this issue and that it should be removed from the Standing Items of Business.

### **DATE OF NEXT MEETING**

It was agreed that the next meeting of the Forum would be held on Thursday, 26 June 2008 in Meeting Room 3, Council Offices, Garshake Road, Dumbarton with a pre-meeting involving the trades unions representatives only, taking place at 11.00 a.m. the same day.

The meeting closed at 4.15 p.m.