

JOINT CONSULTATIVE FORUM

At a Meeting of the Joint Consultative Forum held in Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Thursday 25 June 2009 at 2.00 p.m.

Present: Councillors David McBride and George Black; Karen Dunlop, Margaret Ferris, Denise McLafferty, Tom Morrison and Tom Dick (UNISON); Brian Courtney, Malcolm Dalgeil and James O'Connell (UNITE); Duncan Borland (GMB); John Kennedy (UCATT) and Stewart Paterson (EIS).

Attending: Joyce White, Executive Director of Corporate Services; Ronnie Dinnie, Head of Land and Environment Services, Housing, Environmental and Economic Development; Tricia O'Neill, Head of Human Resources and Organisational Development; Linda McAlister, Senior Human Resources Officer; Nigel Ettles, Principal Solicitor and Nuala Borthwick, Committee Officer.

Apologies: Apologies for absence were submitted on behalf of Councillors Margaret Bootland, Jim Finn, John Millar and Jim McElhill and Kath Ryall and Angela Nicoll, UNISON.

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 (JCF) held on 26 March 2009 were submitted and approved as a correct record subject to the following comments.

The trades unions raised concerns with the Minutes of Previous Meeting and advised that, in their opinion, issues had been discussed at the meeting and it was felt that the discussion was not reflected in the Minutes of Meeting.

Having heard the Principal Solicitor, it was noted that the Minutes of Meeting should reflect the matters agreed at the meeting and not the discussion.

In particular, under the heading 'Discipline and Grievance', Mr Morrison raised the concern that discussion had taken place in relation to trades union representatives approaching witnesses.

Having heard the Head of Human Resources and Organisational Development in response to Mr Morrison's concern, it was noted that following discussion at the previous meeting, management had been advised of the situation and agreed that trades union representatives would not be prevented from approaching witnesses.

Having heard Ms McLafferty in relation to the item 'Annual Leave Entitlement (Amended Scheme)', it was noted that the trades union side had not accepted all of the revisions to the Council's Annual Leave Scheme and that the issue should still be outstanding following the previous meeting of the Forum.

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 consideration be given to providing a mechanism to allow for an earlier opportunity to review the minutes of meeting of the JCF; and
- (2) that the policy on Annual Leave Entitlement be considered at a future meeting between the Trades Unions and Management.

In relation to a point raised by Mr Paterson under the heading, 'Minutes of Previous Meeting' in relation to 'Childcare Vouchers' and the implementation of a system to process the vouchers in the Council, the Forum noted that Corporate HR were in discussions with Procurement and Legal Services in relation to the specification for processing childcare vouchers as the intended scheme had to be reviewed to reflect legislation which came into effect from 1 October 2008 and entitled employees absent on maternity leave to retain the right to accrued benefits.

In relation to a point raised by Mr Paterson under the heading, 'Minutes of Previous Meeting' in relation to 'Disclosure' and having heard the Head of Human Resources and Organisational Development, the Forum noted:-

- (1) that the issue of disclosure for teachers who were transferring to the new St. Peter the Apostle High School had been resolved;
- (2) that a new system would be introduced at a future date which would clarify the issues surrounding disclosure and would be discussed with the trades union side prior to its introduction; and
- (3) that it was understood from Educational Services that there was no requirement for a second disclosure check for teachers who were transferring to a new school and that the issue of catholic church approval had also been resolved.

The Chair, Mrs Ferris requested an update in relation to the possibility of having a living minimum wage of £7.00 per hour at the Council.

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 that, at its meeting on 21 June 2009, the Council had agreed that a future report be submitted to Council on the possibility of having a living minimum wage of £7 per hour. A copy of the relevant excerpt minute is shown as an Appendix to these minutes.

**PRESENTATION ON DISCIPLINE AND GRIEVANCE POLICY:
A NEW ACAS CODE OF PRACTICE**

The Senior Human Resources Officer provided a presentation on Discipline and Grievance: a new ACAS Code of Practice.

In so doing, Mrs McAlister advised that the information in the new Code of Practice would be used to support managers guidance and would be used to further develop existing policies.

Following discussion and having heard Officers in answer to Members' questions, the Forum agreed:-

- (1) to note the timetable for action for the implementation of the revised Discipline Policy and Procedure, revised Grievance Policy and Procedure, development of a Performance Improvement Policy and revisions to the Dignity at Work Policy;
- (2) that the current version of the Grievance Procedure allows staff to go through the Grievance Procedure for Dignity at Work issues; and
- (3) that the Council would be implementing revised policies which reflect the ACAS Code of Practice and these draft policies/procedures would be issued to the trades unions at the end of June as part of the consultation period and that feedback would be sought from the trades union by mid-August.

In relation to a point raised by Mr Morrison, the Forum noted the concern that trades unions representatives were being called to meetings with management without prior notice of the reason for the meeting.

Following discussion and having heard the Executive Director of Corporate Services in response to Members' concerns, it was agreed that the Head of Human Resources and Organisational Development would investigate the issue to ensure that all parties being called to a meeting were aware of the reason for the meeting.

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 26 March 2009 to date including any outstanding minutes from previous reports.

Following discussion and having heard the Executive Director of Corporate Services and the Head of Land and Environment Services in further explanation of the report and in answer to Members' questions, the Forum agreed:-

- (1) that a column be added to both Table 1 and Table 2 of the report to record the dates when a meeting is held;
- (2) that the Head of Land and Environment Services would investigate the specific issue raised concerning the Facilities Management JCC;
- (3) that the Head of Human Resources and Organisational Development was investigating the possibility of having appropriate officers attending JCCs who could take decisions on issues raised at meetings; and
- (4) otherwise to note the contents of the report.

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:-

- (a) 1 January 2009 to 31 March 2009 (Quarter 4)
- (b) Annual Figures for 1 April 2008 to 31 March 2009

After discussion, the Forum agreed:-

- (1) to congratulate the staff of Human Resources and Organisational Development on the actions taken to support a reduction in sickness absence for 1 January 2009 to 31 March 2009 (Quarter 4); and
- (2) otherwise to note the contents of the report.

FINAL REPORT ON THE ISSUE OF TRAVELLING EXPENSES

With reference to the Minutes of Meeting of the Joint Consultative Forum held on 26 March 2009 (Page 1876 refers), the Forum was reminded of the decision that the short life Working Group set up to investigate travelling expenses would report back to the next meeting.

The Head of Human Resources and Organisational Development provided an update on this matter. It was noted that a final report was not yet available as the Manager of the Exchequer was currently investigating the matter with HM Revenue and Customs.

VARIATION IN ORDER OF BUSINESS

The Forum agreed to vary the order of business as hereinafter recorded in these minutes.

TRADES UNION ISSUE

Best Value

The Executive Director of Corporate Services provided an update on Best Value and in doing so advised that a report had been submitted to the meeting of Council held on 24 June 2009 presenting Audit Scotland's Best Value Audit Progress Report.

The Forum noted:-

- (1) that Audit Scotland had presented its report to the Accounts Commission on 17 June 2009 and was due to publish formally its integrated findings on 9 July 2009;
- (2) that an action plan from the Accounts Commission was due to be published on 3 July 2009; and
- (3) that a meeting had been scheduled for 16 July 2009 with the Leader of the Council and Leader of the Opposition, the Chief Executive and John Bailey, Chair of the Accounts Commission to discuss the findings of the Accounts Commission report.

It was further noted that following the meeting of Council, the Leader of the Council had been instructed to write to Audit Scotland and the Accounts Commission on behalf of the Council expressing disappointment that the content of the HMle Inspection Report had been omitted from the Best Value Audit Report.

TRADE UNION RECOGNITION AND FACILITIES AGREEMENT

With reference to the Minutes of Meeting of the Joint Consultative Forum held on 26 March 2009 (Page 1879 refers), the Forum was reminded of the decision that the Employee Liaison Group would be tasked with development of a Recognition and Facilities Agreement and a Job Profile to support the evaluation of the role of Trade Union Convener and report back to this meeting of the Forum.

The Head of Human Resources and Organisational Development provided an update on this matter. The Forum noted that consultation with the Trades Unions was underway and it was anticipated that the Recognition and Facilities Agreement and Job Profile to support the evaluation of the role of Trade Union Convener would be submitted to the meeting of the Forum to be held on 11 December 2009.

TRADES UNION ISSUES

Staff at Elections

The Forum heard from Ms McLafferty who advised that there were concerns over the redeployment of staff in those schools used as polling stations at the recent election. It was noted that whilst teachers and administration staff were allowed to work at home on election day, cleaning staff were re-deployed in other areas/buildings at hours which differed from their contractual hours.

Following discussion, it was agreed that prior to the next election, a meeting be arranged between the Executive Director of Housing Environmental and Economic Development Services and the Executive Director of Educational Services to discuss staffing arrangements in the schools used as polling stations on election day.

Consultation with Trades Unions

The Forum heard from Ms McLafferty who advised that there were concerns over the lack of consultation with trades unions on issues such as mini restructures within departments.

Following discussion, the Forum agreed that the Head of Human Resources and Organisational Development would review the existing policy on organisational change to provide clarity and would issue a reminder to all departments highlighting the importance of adhering to procedure in relation to consultation with trades unions.

Disability Leave

The Forum heard from Mr Morrison who requested an update on the progress of the provision of a Disability Leave Policy and advised that such a policy would be beneficial to both management and trades unions.

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

- (1) that this was a fairly new development in terms of practice and would be a specific type of policy which would specify how employees should be treated if they become disabled; and
- (2) that the new Senior Human Resources Officer (Wellbeing and Attendance Section), who was due to commence employment in July 2009, would be tasked with progressing the issue when in post.

Re-deployment

Ms McLafferty was heard in relation to the need for a procedure for re-deployment in the Council which would give the trades unions the opportunity to look at vacancies for staff who required to be re-deployed.

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

- (1) that re-deployment must be a local authority responsibility and should not be dealt with by departments on their own;
- (2) that where necessary, managers should be made aware of their responsibilities in relation to re-deployment through additional training; and
- (3) that the Head of Human Resources and Organisational Development would look into the provision of a Re-Deployment Policy at some point in the future and, in doing so, would explore the possibility of checking the skill set of an employee requesting re-deployment against a job to be advertised.

The Forum heard from Mr Morrison in relation to a specific issue concerning the redundancies of 2 members of staff at Clydebank Asbestos Group and the possible support of re-deployment of the individuals within the Council.

After discussion and having heard the Head of Human Resources and Organisational Development and the Principal Solicitor in response, the Forum agreed:-

- (1) that in light of the Council being the appointed Monitoring Officer for Clydebank Asbestos Group, the Head of Human Resources and Organisational Development would liaise with the Social Work & Health Department to get further background information on this matter to see if any support could be provided; and
- (2) to note that the JCF was not set up to deal with specific issues of this nature and as such, any matters of a specific nature should be raised in advance of the meeting, to ensure that Officers would have time to investigate the matter and provide meaningful information at the meeting.

STANDING ITEMS OF BUSINESS

The Forum agreed to note the current position on the item in relation to Single Status.

Appeals Committee Hearings

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

The Forum noted that since the JCF on 26 March 2009:-

- (a) 2 grievance appeals had been heard;
- (b) 3 grievance appeals had been submitted;
- (c) 1 dismissal appeal had been submitted; and
- (d) 1 grievance appeal had been withdrawn;

The Forum also noted that:-

- (a) 1 dismissal appeal and 10 grievance appeals were outstanding.
- (b) 2 appeals (1 dismissal and 1 grievance) were scheduled to be heard on dates in May and June but were postponed at the request of the Appellant's trade union.

In relation to a point raised by Councillor Black, the Forum agreed to note that the trades unions representatives who were attending appeal hearings were required to accept their responsibilities to enable Appeals Committee Hearings to be heard when scheduled.

Budget Planning

Having heard Councillor McBride, the Forum noted that a Strategic Finance Working Group had been set up to meet on a bi-monthly basis to consider and make recommendations on the Council's financial strategy over the short, medium and longer term in the context of the agreed corporate priorities of the Council.

Health and Safety

In relation to a point raised by Councillor Black, the Forum agreed that a report be provided to a future meeting of the JCF on the Council's responsibility under the Health and Safety at Work Act 1974 to eliminate hazardous conditions for employees in relation to skin cancer and sunscreen safety.

Training and Development

Having heard from Mr O'Connel, the Forum noted that there were concerns over the lack of procedure in place for the provision of Lifelong Learning in the Council.

Following discussion and having heard the Senior Human Resources Officer in answer to Members' questions, the Forum agreed:-

- (1) that the concerns of the trades unions would be raised with the Organisational Development Team;
- (2) to note that a 'union learning fund' funding stream was available but was not currently used;
- (3) that a report be submitted to a future meeting of the JCF on this issue; and

- (4) that Lifelong Learning be placed on the agenda as a standing item of business until resolved.

DATE OF NEXT MEETING

Having heard the Chair, the Forum noted that the next meeting of the Forum would be held on Thursday, 24 September 2009 at 2.00 p.m. in Meeting Room 3, Council Offices, Garshake Road, Dumbarton with a pre-meeting involving the trades unions representatives only, taking place on Thursday, 10 September 2009 at 2.00 p.m. in Meeting Room 2, Council Offices, Garshake Road, Dumbarton.

The meeting closed at 3.50 p.m.