

## **JOINT CONSULTATIVE FORUM**

At a Meeting of the Joint Consultative Forum held in Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Thursday, 23 September 2010 at 2.05 p.m.

**Present:** Councillors George Black, Margaret Bootland, David McBride and Jonathan McColl; Margaret Ferris, Tom Morrison, Christine Forsyth, Susan Shannon (UNISON); Charlie McDonald (UNITE)\*; Duncan Borland (GMB); Stewart Paterson (EIS); John Kennedy (UCATT); and Jackie McMonagle (AMICUS).

\*Arrived later in the meeting.

**Attending:** Tricia O'Neill, Head of Human Resources and Organisational Development; Linda McAlister, Section Head – Employee Relations & Employment Policy; Anne Battersby, Lead Human Resources Advisor – Employee Relations & Case Management Section; Alan Pursley, Health and Safety Officer; Alan Douglas, Manager of Legal Services; and Scott Kelly, Committee Officer.

**Apologies:** Apologies for absence were submitted on behalf of Councillors Jim Finn, Jim McElhill and John Millar; Alex McEwan (SSTA); Karen Dunlop (UNISON); Joyce White, Executive Director of Corporate Services; and Elaine Melrose, Executive Director of Housing, Environmental and Economic Development.

### **Councillor George Black in the Chair**

## **DECLARATIONS OF INTEREST**

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

## **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Joint Consultative Forum (JCF) held on 24 June 2010 were submitted and approved as a correct record, subject to the undernoted correction:-

With reference to the item under the heading 'Sickness Absence Reporting – Quarter 4 (2009/2010) and Annual Return 2009/2010' (Page xxx refers), it was agreed that the references to 'Welfare Rights Officers' should be replaced with 'Welfare Officers'.

In relation to a point raised by the Head of Human Resources and Organisational Development under the heading 'Minutes of Previous Meeting' (Page xxx refers), the Forum noted that a number of meetings of the Competitive Working Group had been held and that the Trades Unions had been invited to attend these. However, it was noted, the Trades Unions had only been represented at one of these meetings.

The Forum heard from Councillor Black, Chair, in relation to the item 'Training and Development' under the heading 'Standing Items of Business' (Page xxx refers). After hearing the Head of Human Resources and Organisational Development, the Forum agreed to note that the report providing an examination of the Council's use of agency staff would be submitted to a future meeting of the Forum.

In relation to a point raised by Mr Morrison under the heading 'Minutes of Previous Meeting' (Page xxx refers) concerning the implementation of the Trades Unions Recognition and Facilities Agreement, the Forum agreed to note that the Head of Human Resources and Organisational Development would arrange for a meeting to be held with the Trades Unions to clarify the issues and discuss the matter further.

Having heard the Head of Human Resources and Organisational Development and Mr McDonald in relation to a point raised under the heading 'Minutes of Previous Meeting' (page xxx refers) concerning Emissions Monitoring and Vehicle Tracking, the Forum agreed:-

- (1) to note that Management and the Trades Unions had met to discuss this matter and had agreed a draft protocol which was subject to managers receiving necessary training and Legal Services providing a privacy impact assessment; and
- (2) that an update on this matter should be submitted to a future meeting of the Forum.

After hearing Mr Paterson in relation to a point raised under the heading 'Minutes of Departmental Joint Consultative Committees, Departmental Health & Safety Meetings and Employee Liaison Group' (page xxx refers), the Forum noted that the issue of the missing equipment from the transfer over to St Peter the Apostle High School was still unresolved and that officers were continuing to investigate this matter.

The Forum heard from Councillor Black, Chair, in relation to the supply of drinking water to Clydebank High School.

After discussion and having heard the Manager of Legal Services, Councillor Black, Chair, proposed that discussion of this matter be continued later in the meeting, when 'Trades Union Issues' were being considered.

The Forum heard from Mr Paterson in relation to the item 'Health and Safety' under the heading 'Standing Items of Business' (page xxx refers) and noted that he had now received a copy of the Risk Assessment concerning fire doors at the Vale of Leven Academy.

Note: Mr McDonald entered the meeting during consideration of this item.

### **LOCAL GOVERNMENT PENSION SCHEME (LGPS) REGULATORY CHANGES AND COUNCIL POLICY ON APPLICATION OF REGULATORY PENSION DISCRETIONS**

A report was submitted by the Head of Human Resources and Organisational Development providing an update on the regulatory changes to the Local Government Pension Scheme by virtue of the 'Local Government Pension Scheme (Administration) (Scotland) Regulations 2008' and the 'Local Government (Discretionary Payments and Injury Benefits) (Scotland) Amendment Regulations 2009'.

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

- (1) to note the regulatory changes to the Pension Scheme; and
- (2) to note that the revised policy would be progressed through the Corporate and Efficient Governance Committee on 27 October 2010.

### **WELFARE CASE STATISTICS AND THE PROVISION OF WELFARE SUPPORT FOLLOWING THE HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT RESTRUCTURE**

A report was submitted by the Head of Human Resources and Organisational Development:-

- (a) providing statistical information regarding the number of cases managed by the Welfare Officer/Welfare Support Officer (Education) for the year 2009/2010 including data on the percentage of cases related to stress; and
- (b) providing information on the current role and remit of the Welfare Officer/Welfare Support Officer (Education) and how welfare services would be delivered following the Human Resources and Organisational Development departmental restructure, i.e. post October 2010.

After hearing the Head of Human Resources and Organisational Development in further explanation and in answer to Members' questions, the Forum agreed:-

- (1) to note that Human Resources and Organisational Development would monitor the delivery of welfare services following the departmental restructure; and
- (2) otherwise to note the contents of the report.

## **RESTRUCTURING AND REDEPLOYMENT PROTOCOL**

The Forum noted that the report in relation to this item, which the agenda had advised would be issued as a 'to follow' report, had not been submitted and thereafter the Head of Human Resources and Organisational Development provided a verbal update on this matter.

In so doing, she informed the Forum that discussions in relation to the protocol had taken place with the Trades Unions who had expressed some concerns with respect to severance packages which may apply to any compulsory redundancies. She further advised: (i) that proposals relating to this matter had been considered by the Corporate Management Team (CMT) who had responded favourably; (ii) that the protocol would be discussed further with the Trades Unions at a meeting of the Employee Liaison Group (ELG); and (iii) that it was hoped that the matter would be resolved in the coming weeks.

The Forum agreed:-

- (1) to note the current position; and
- (2) that a report in relation to this matter should be submitted to the next meeting of the Forum.

## **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 April 2010 to 30 June 2010.

After lengthy discussion and having heard the Head of Human Resources and Organisational Development and the Section Head in further explanation and in answer to Members' questions, and the Manager of Legal Services in clarification of certain issues, the Forum agreed:-

- (1) to note that the revised Discipline and Grievance and Dignity at Work policies had been approved by the Corporate and Efficient Governance Committee at its meeting on 26 May 2010 and had been implemented with effect from 1 September 2010;
- (2) to note the concerns expressed by one of the Trade Unions concerning the process for submission of the revised policies to the Corporate and Efficient Governance Committee;
- (3) to note that joint training sessions by Human Resources and the Trades Unions on these revised policies had recently been delivered to Managers;

- (4) to thank the Trades Unions representatives for their involvement in the training sessions described in (3) above;
- (5) to note the clarification provided by the Section Head that employees whilst encouraged to raise complaints through the Dignity at Work Policy and Procedure would not be prevented from opting to raise their complaint through the Grievance Policy. This clarification would be circulated to Managers through the Core Brief and a list of FAQ's concerning the procedures; and
- (6) otherwise to note the contents of the report.

### **VARIATION IN ORDER OF BUSINESS**

At this point in the meeting the Forum agreed to vary the order of business as hereinafter minuted.

### **SUNSCREEN SAFETY**

With reference to the Minutes of Meetings of the Joint Consultative Forum held on 25 March 2010, Alan Pursely, Health and Safety Officer (in attendance for this item only) provided a verbal update in relation to Sunscreen Safety.

In so doing, he informed the Forum that the Risk Management Section had considered this matter and: (i) had decided to recommend that Council employees working outdoors should protect themselves from exposure to the sun by wearing appropriate clothing and taking shade when necessary; (ii) had decided that the provision of sunscreen was not necessary to protect employees and, were it to be provided, the Council would be required to conduct skin sensitivity tests on all employees who may use it; and (iii) had provided employees working outdoors with a leaflet produced by the Health and Safety Executive which detailed appropriate measures to be taken with respect to sun protection.

After discussion and having heard the Health and Safety Officer in answer to Members' questions, the Forum agreed to note the position.

### **SICKNESS ABSENCE REPORTING - QUARTER 1 (2010/2011)**

A report was submitted by the Executive Director of Corporate Services advising on the levels of employee sickness absence for the first quarter (April, May and June) of 2010/11.

After hearing the Head of Human Resources and Organisational Development in further explanation and in answer to Members' questions, the Forum agreed:-

- (1) to note that a report on a revised Maximising Attendance Policy would be submitted to a future meeting of the Forum;

- (2) that future reports to the Forum on sickness absence should provide more detail on the different types of reasons that employees were absent due to sickness;
- (3) to note that new targets would be set for sickness absence when Audit Scotland published all Scottish local authority sickness absence figures for 2009/2010;
- (4) to note that West Dunbartonshire Council continued to work towards a target reduction of 0.5 full-time equivalent (FTE) days lost per FTE employee year on year; and
- (5) otherwise to note the contents of the report.

### **MINUTES OF DEPARTMENTAL JOINT CONSULTATIVE COMMITTEES, DEPARTMENTAL HEALTH & SAFETY MEETINGS AND EMPLOYEE LIAISON GROUP**

A report was submitted by the Head of Human Resources and Organisational Development providing the minutes from Departmental Joint Consultative Committees (JCCs), Health & Safety meetings and the Employee Liaison Group (ELG) meetings for the period from 24 June 2010 until committee paper deadline for the meeting of 23 September 2010 including any outstanding minutes.

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

- (1) that, in future, minutes from Departmental Joint Consultative Committees (JCCs), Health & Safety and Employee Liaison Group (ELG) meetings should no longer be printed and included with the papers for JCF meetings but should continue to be made available electronically on the CMIS system at the same time as the papers are issued and that links to these minutes should be included in the agendas for the JCF meetings;
- (2) to note the concerns expressed by the Trades Unions with respect to the continuation of the Social Work and Health JCC in view of the establishment of the West Dunbartonshire Community Health and Care Partnership;
- (3) that the Head of Human Resources and Organisational Development should make enquiries into the memo reportedly issued by a manager in the Finance Section which had requested that staff provide a list of friends and relatives in the West Dunbartonshire area who were in receipt of benefits, and should liaise directly with Mr McDonald on her findings in relation to this matter;
- (4) to note with concern that meetings of the JCC for Land Services (Grounds Maintenance and Street Cleaning) and Health and Safety for Roads Operations had not taken place due to restructuring and the unavailability of Trades Unions representatives respectively;

- (5) to note that advice was awaited from Legal Services with respect to the development of operational protocols for vehicle emission monitoring and tracking systems; and
- (6) otherwise to note the contents of the report.

## **TRADES UNIONS ISSUES**

The Forum noted that the Trades Unions had not intimated in advance of the meeting any matters which they wished to raise. However, Councillor Black, Chair, invited the Trades Unions officials to raise any concerns which they had.

### Budget Cuts

The Forum heard from Mr Morrison who requested support from Elected Members for the Trades Unions' 'There Is a Better Way' campaign which related to proposed public sector cuts.

In response, Elected Members indicated general support for the Trades Unions' opposition to the proposed public sector cuts and referred to a decision taken at the June 2010 meeting of Council (Pages XXX refer) at which a no compulsory redundancy policy was approved.

The Forum agreed to note that Councillor J. McColl would discuss the issues raised by Mr Morrison with the Leader of the Council.

Note: Ms McMonagle left the meeting at this point.

### Hospital Appointments

Mr McDonald thanked the Section Head for the clarification that she had provided that the Special Leave Policy did not place a limit of four hours on the amount of time that employees were entitled to be absent from work in order to attend hospital appointments.

The Forum agreed to note that the clarification.

### Job Evaluation Appeals Process

Mr Morrison and Mr Borland raised the matter of the continuation of the appeals process for employees whose posts were affected by the Single Status agreement.

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

- (1) to note that around 40 appeals remained outstanding and that, since many of these were group appeals, approximately 200 members of staff were affected;

- (2) to note that letters would soon be issued to members of staff whose appeals had been deemed to be inadmissible and that an explanation as to why this was the case would be provided to them in line with Council decision and following agreement with trades unions; and
- (3) that there will be a consistency check undertaken in relation to appeals outcomes as agreed with trade unions. The pay model will be reviewed following the appeals process and an equality impact undertaken in line with equality duty.

#### Evaluation of Senior Social Worker Posts

Mr Morrison raised the matter of the evaluation of Senior Social Worker posts and questioned why this evaluation had been conducted outwith the Appeals process and why it had not been possible for other job groups to also be evaluated outwith the Appeals process.

In response, the Head of Human Resources and Organisational Development informed the Forum that the Senior Social Worker posts had been considered prior to the commencement of the Appeals process due to the urgent requirement for the matter to be resolved. This was agreed by the Corporate Management Team and subsequent actions endorsed.

After discussion, the Forum agreed that the Head of Human Resources and Organisational Development should investigate the issue of the payment of back-dated pay to Senior Social Workers following the outcome of the evaluation of their posts.

#### Local Government Pay Deal

After hearing Mr Morrison, the Forum noted the Trades Unions' disappointment at the recently imposed three-year pay deal for Local Government employees which had resulted in employees receiving a 0.65% pay increase in the current financial year followed by freezes for the next two financial years.

#### Office Closure During the Festive Period

The Forum heard from Mr Morrison who referred to a proposal to close Council offices during the three day period between Christmas and New Year in 2010 and proposed that in the circumstance that this occurred, employees should only be required to use two days annual leave in order to be absent from work during this period.

After discussion and having heard the Head of Human Resources and Organisational Development in response, the Forum agreed to note that no decision had yet been taken in respect of the possible closure of Council offices during the three day period between Christmas and New Year 2010

Having heard the Manager of Legal Services, the Forum agreed to note that it was important for the Trades Unions to provide items for inclusion on future agendas of



the JCF within the agreed deadlines for submission of papers in order that the public could be informed of the issues which the Forum was due to discuss and to allow officers to investigate issues and prepare responses.

### **STANDING ITEMS OF BUSINESS**

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

- (a) Best Value
- (b) Budget Planning
- (c) Clyde Valley Shared Services
- (d) Health and Safety
- (e) Lifelong Learning
- (f) Pay Claims
- (g) Single Status
- (h) Departmental Re-structuring
- (i) Transfer of Housing Stock
- (j) Training and Development

#### Voluntary Reduction in Working Hours Scheme

The Forum heard from the Head of Human Resources and Organisational Development concerning a proposal to introduce a Voluntary Reduction in Working Hours Scheme in order to help to address budget cuts.

After discussion, the Forum agreed:-

- (1) to note that a survey would soon be conducted to establish employee interest in such a scheme;
- (2) to note that any scheme which was introduced would have a permanent or temporary option;
- (3) to note that discussions with the Trades Unions would be held in relation to this matter; and
- (4) that the Head of Human Resources and Organisational Development should investigate reports that Nursery Nurses had already been requested to voluntarily reduce their contracted hours.

The meeting closed at 4.45 p.m.