

JOINT CONSULTATIVE FORUM

At a Meeting of the Joint Consultative Forum held in Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Friday, 17 December 2010 at 3.00 p.m.

Present: Councillors George Black and Jonathan McColl; Karen Dunlop, Margaret Ferris, Tom Morrison and Denise McLafferty (UNISON); Brian Courtney and Charlie McDonald (UNITE); Duncan Borland (GMB); Stewart Paterson (EIS); Neil Cassey (T&GWU) and Jackie McMonagle (AMICUS).

Attending: Terry Lanagan, Executive Director of Educational Services; Joyce White, Executive Director of Corporate Services; 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; Tracey Keenan, Senior Human Resources Officer; Alan Douglas, Manager of Legal Services and Nuala Borthwick, Committee Officer.

Apologies: Apologies for absence were submitted on behalf of Councillors David McBride and John Millar.

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 23 September 2010 were submitted and approved as a correct record.

In relation to a couple of points raised by the Head of Human Resources and Organisational Development under the heading 'Minutes of Previous Meeting' (page xxx refers), the Forum noted:-

- (1) that a report providing in relation to the Council's use of agency staff would be submitted to the meeting of the JCF in March 2011;

- (2) that the October Core Brief had included a reminder to managers and staff of the requirement to adhere to the Trades Unions Recognition and Facilities Agreement; and
- (3) that the protocol for Emissions Monitoring and Vehicle Tracking was now in place and that work was ongoing on the Privacy Impact Assessment.

Having heard Councillor Black, Chair, and the Director of Educational Services in relation to the item under the heading, 'Minutes of Previous Meeting' (page xxx refers) concerning the supply of drinking water from a tank to Clydebank High School, the Forum agreed:-

- (1) to note that a site visit to Clydebank High School would be arranged for Councillor J. McColl (in his capacity as Convener of Educational Services), Councillor Black and the Head of Human Resources and Organisational Development in relation to the water quality and its testing; and
- (2) that a copy of the paperwork evidencing the water testing at the school would be issued to members of the JCF in confirmation of the quality of the water for drinking.

In relation to a point raised by Ms McLafferty concerning the monitoring of welfare case statistics and the provision of welfare support following the Human Resources and Organisational Development departmental restructure and the withdrawal of two posts (page xxx refers), it was agreed:-

- (1) to note that the Trades Unions side had concerns about the reporting of welfare cases following the loss of the roles in the departmental restructure; and
- (2) that the concerns raised by the Trades Unions would be discussed at a scheduled meeting with HR Officers to discuss welfare cases.

Having heard the Head of Human Resources and Organisational Development in relation to an update under the heading 'Restructuring and Redeployment Protocol' (pages xxx refers), the Forum noted that revised proposals included the following amendments:-

- (1) that the length of time that an employee is placed on the redeployment register before being provided with contractual notice had increased from 1 month to 3 months;
- (2) that for individuals who have no eligibility for pension benefits the redundancy calculator would be increased to 1.5 times the statutory redundancy calculator; and
- (3) that the categories of employees included in the redeployment register had been extended.

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

- (1) to note that some specific areas in relation to the Restructuring and Redeployment Protocol had been addressed through discussions with the Trades Unions and that it was anticipated that consultation on this matter would conclude in the next few weeks; and
- (2) to note that a list of vacant posts would be issued by post to those employees who had no email access at their place of work.

In relation to a point raised by Mr Morrison under 'Discipline and Grievance' (page xxx refers) concerning the clarification provided by the Section Head – Employee Relations & Employment Policy that employees would not be prevented from opting to raise a complaint through the Grievance Policy, it was agreed that the Grievance Policy would be updated to include this information and that Mr Morrison should discuss the issue with the Section Head.

The Forum then heard from the Head of Human Resources and Organisational Development in relation to the item 'Job Evaluation Process' under the heading 'Trades Unions Issues' (page xxx refers), concerning the outcome of the appeals process for employees whose posts were affected by the Single Status agreement. It was noted that letters were being sent out over the next couple of days to those employees affected and that 12% had been successful in their appeal.

Following discussion, the Forum agreed:-

- (1) that a list of the categories of posts who were successful in the appeals process would be provided to the Trades Unions; and
- (2) that, as a matter of urgency, the Section Head – Employee Relations and Employment Policy and the Lead Human Resources Advisor – Employee Relations and Case Management Section would arrange for a meeting to be held with the Trades Unions to discuss preventing grievances arising following the outcome of unsuccessful appeals with the possibility of employees refusing to carry out tasks that they believed were no longer within their job remit.

In relation to a point raised by Mr Morrison under the heading, 'Trades Unions Issues - Evaluation of Senior Social Worker Posts' (page xxx refers), it was agreed that the names of those employees who did not receive back payment would be provided to the Head of Human Resources and Organisational Development for further investigation.

In relation to a point raised by Ms McLafferty under 'Trade Union Issue - Office Closure during the Festive Period' (page xxx refers), the Forum noted that alternative accommodation had not yet been sought for an individual employee who had opted to work during the closure. Having heard the Head of Human Resources and

Organisational Development in response, the Forum agreed that the issue would be channelled through the Human Resources Business Partners.

The Forum heard from Mrs Ferris in relation to the 'Standing Item of Business – Voluntary Reduction in Working Hours Scheme' (page xxx refers). After discussion and having heard the Head of Human Resources and Organisational Development, the Forum agreed to note that discussions with the Trades Unions in relation to the scheme were ongoing and that, following the request made to Nursery Nurses to voluntarily reduce hours, the issues which would affect an employee looking to reduce contractual hours e.g. reduction in pension, would now be included in the draft scheme.

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 during the Quarter 2 period (i.e. 1 July 2010 to 30 September 2010).

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

- (1) to note that the Council was committed to continuous improvement of the arrangements it had in place for hearing and resolving disciplinary and grievance matters;
- (2) that a number of steps had been taken to address issues which included the implementation of revised policies and procedures to ensure compliance with legislation and best practice;
- (3) that whilst improvement had been made in relation to timescales for Stage 2 hearings, there were still delays at Stage 3; and
- (4) otherwise to note the contents of the report.

SICKNESS ABSENCE REPORTING - QUARTER 2 (2010/2011)

A report was submitted by the Executive Director of Corporate Services advising on the levels of employee sickness absence for the second quarter (July, August and September 2010) of 2010/2011.

The Forum agreed:-

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

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

A report was submitted by the Head of Human Resources and Organisational Development providing the minutes from Departmental Joint Consultative Committees (JCCs), Health and Safety meetings and Employee Liaison Group (ELG) meetings for the period from 23 September 2010 to 17 November 2010 including any outstanding minutes from the previous reporting period.

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

- (1) that a report on the operation of the Employee Liaison Group and its direct connection with the JCF would be submitted to a future meeting of the Forum;
- (2) to note the concerns expressed by the Trades Unions side in relation to the lack of knowledge amongst some managers of the Council's collective bargaining arrangements with the Trades Unions to support organisational change;
- (3) that Members should contact the Committee Officer prior to meetings of the JCF for copies of Minutes should they experience any printing problems given that minutes from Departmental JCCs, Health & Safety meetings and ELG meetings were no longer printed and included with the papers for the JCF meetings;
- (4) to note the comment from the Trades Unions side that the restructure within the Libraries and Culture Section was an example of good practice in terms of the staff consultation process and communication with employees and trades unions representatives; and
- (5) otherwise to note the contents of the report.

RESTRUCTURING AND REDEPLOYMENT PROTOCOL

The Forum noted that the issue of Restructuring and Redeployment Protocol had been covered under discussions at the above item entitled 'Minutes of Previous Meetings'.

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 for inclusion on the agenda. However, Councillor Black, Chair, invited the Trades Unions officials to raise any concerns which they had.

Adverse Weather

The Forum heard from Mr McDonald who raised the matter that staff employed in schools and managed by Housing, Environment and Economic Development Services (HEEDS) had been expected to attend their place of work during the severe adverse weather whilst staff managed by Educational Services were advised not to attend at the same place of work.

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

- (1) that a HR Information Note had been prepared and published on the intranet to provide managers and staff with information on key points for consideration during severe weather affecting the ability of employees to attend their normal place of work. In addition an Administrator's message had been issued in response to Trade Unions concerns that staff were unaware as to how lost time would be treated in such circumstances.
- (2) to note the appreciation of Members of the Forum for the work of all Council staff during the severe adverse weather conditions;
- (3) to note the concerns expressed by the Trades Unions side in relation to the safety of staff and the requirement for a emergency plan for extreme weather to ensure those staff who provide essential services are identified and can safely get to and from their place of work; and
- (4) to note that a lengthy procedure note on coping with adverse weather had now been issued to schools and that the Director of Educational Services intended to discuss joined up services with the Directors of HEEDS to ensure that teaching/non-teaching staff would not be put at risk in future.

Welfare Rights Grievance

The Forum heard from Mr Morrison in relation to procedural matters arising from a grievance submitted to management by the Trades Unions concerning Welfare Rights Services.

The Manager of Legal Services advised that the issues in this particular case were (i) that the Grievance did not fall within the Grievance Procedure and therefore could not be dealt with by the Appeals Committee; (ii) that if a grievance sought to challenge a decision of full Council it would not be competent for the Appeals Committee to change such a decision; and (iii) that the JCF would be the correct Forum to raise the general principle of this particular complaint.

Following lengthy discussions and having heard the Executive Director of Corporate Services and Officers in answer to Members' questions, the Forum agreed:-

- (1) to note the opinion of the Trades Unions that the grievance should be heard through the Grievance Procedure;

- (2) to note that a meeting had previously agreed to consider issues of communication and consultation in relation to organisational change, and such discussions would consider the point at issue in this case; and
- (3) that Management and the Trades Unions would meet to discuss the scenario where Standing Orders and committee responsibilities may not allow for the resolution of certain issues through the grievance process.

Note: Duncan Borland left the meeting during consideration of the above item.

RESIGNATION OF COUNCILLOR MARGARET BOOTLAND

Ms McLafferty advised the Forum that Councillor Margaret Bootland had requested that her regards be passed to Members of the Forum following her resignation from the Council due to ill health. The Forum agreed that the Forum's appreciation of Councillor Bootland's work as both a Member and a previous Chair of the Forum be sent to Councillor Bootland and her family.

Note: Councillor J. McColl left the meeting at this point.

QUORUM FOR MEETING

Following Councillor J. McColl's departure it was noted that the meeting was inquorate however progress was noted on the budget planning process.

STANDING ITEMS OF BUSINESS

Budget Planning

The Forum heard from the Executive Director of Corporate Services who advised that the Corporate Management Team (CMT) had issued a package of savings options totalling £6.258 million within the draft budget book for Members' consideration to assist with closing the 2011/2012 funding gap of £2.695 million. It was noted that the Executive Director would provide briefing information to the Trades Unions if required.

The meeting closed at 4.45 p.m.