

## JOINT CONSULTATIVE FORUM

At a Meeting of the Joint Consultative Forum held in Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Thursday, 22 March 2012 at 2.05 p.m.

**Present:** Councillors George Black and Jonathan McColl; Stewart Paterson (EIS); Duncan Borland and Donald Hamilton (GMB); Alex McEwan (SSTA); Margaret Ferris, William Keady and Tom Morrison (UNISON); and Charlie McDonald, Jackaleen McMonagle and James O'Connell (UNITE).

**Attending:** Helen Turley, Head of Housing and Community Safety; Tricia O'Neill, Head of Human Resources and Organisational Development; Linda McAllister, Section Head, Employment Policy and Practice; Tracy Keenan, Lead Human Resources Adviser – Policy and Employee Relations; Raymond Lynch, Senior Solicitor; and Scott Kelly, Committee Officer, Legal, Democratic and Regulatory Services.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Jim Finn, David McBride and Lawrence O'Neill; Terry Lanagan, Executive Director of Educational Services; Elaine Melrose, Executive Director of Housing, Environmental and Economic Development; Angela Wilson, Executive Director of Corporate Services; Billy McEwan (GMB); Joanne Harkin and Denise McLafferty (UNISON); and Karen Ferguson (UNITE).

### APPOINTMENT OF CHAIR AND VICE CHAIR

In terms of the Constitution, the Forum considered the appointment of Chair and Vice Chair of the Forum from amongst its membership.

After discussion, and having heard the Senior Solicitor, the Forum agreed:-

- (1) to note that ordinarily the appointment of Chair should be subject to annual rotation between Management and the Trades Unions sides;
- (2) to note: (i) that at the meeting of the Forum held on 24 March 2011 (Page 3545 refers), the Forum had agreed, at the request of the Trades Unions, to recommend to Council that Councillor Black should remain as Chair for a period of one year; and (ii) that Council had ratified this recommendation at its meeting on 25 May 2011 (Page 3666 refers);
- (3) that Councillor Black should chair the present meeting; and

- (4) to reconsider the appointment of Chair and Vice Chair of the JCF at the next meeting of the Forum.

Thereafter, Councillor Black assumed the Chair.

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

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

#### **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 held on 16 December 2011 were submitted and approved as a correct record.

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

- (1) to note, with respect to the item under the heading 'Minutes of Previous Meeting' concerning excess travel costs in the event of organisational change (Page 4060 refers): (i) that this matter had been considered by the Corporate Management Team; (ii) that the decision and rationale behind maintaining the status quo had been communicated to a meeting of the Employee Liaison Group; and (iii) that the Trades Unions may wish to raise this matter as an item for discussion at a future meeting of the Forum;
- (2) to note, with respect to the item under the heading 'Minutes of Previous Meeting' concerning effective representation for Social Work staff within the Community Health and Care Partnership and the arrangements for joint consultation with Trades Unions (Page 4060 refers), that a Working Group had recently been established which would soon consider this matter;
- (3) to note, with respect to the item under the heading 'Minutes of Previous Meeting' concerning the provision of information to staff on leave term sick leave in respect of their entitlement to Employee Support Allowance (Page 4061 refers), that this information was now provided to staff and that agreement had been reached with the Trades Unions in relation to this matter; and

- (4) to note, with respect to the item under the heading 'Trades Unions Issues' concerning 'Business Day' (Page 4065 refers): (i) the update which Councillors Black and J. McColl had provided in respect of the recent Business Day meeting; and (ii) that no decisions were taken at Business Day meetings.

### **ABSENCE MEMBER/OFFICER WORKING GROUP – WORK PLAN**

A report was submitted by the Head of Human Resources and Organisational Development providing a copy of the draft Absence Work Plan developed by the Absence Member/Officer Working Group.

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

- (1) to note the concerns raised by Mrs Ferris in relation to the need for equality impact assessments to be carried out to ensure that none of the objectives contained in the Absence Work Plan would detrimentally affect female staff;
- (2) that Mrs Ferris should speak with Human Resources about her concerns, outwith the meeting, and that when a report on the Absence Work Plan is submitted to a future meeting of Council, the report should reflect the concerns raised by Mrs Ferris; and
- (3) otherwise to note the content of the Absence Work Plan.

### **STANDING ITEM OF BUSINESS – PAID LUNCH BREAKS**

Having heard the Section Head, Employment Policy and Practice, the Forum agreed:-

- (1) to note that discussions between the Trades Unions and Management in relation to paid lunch breaks of staff in the Community Health and Care Partnership were ongoing;
- (2) to note that agreement had been reached on the number of staff within Housing, Environment and Economic Development (HEED) who would move from paid lunch breaks to unpaid lunch breaks;
- (3) to note that some staff within HEED would retain paid lunch breaks; and
- (4) to note that a Collective Agreement had been signed with the relevant Trades Unions and Management for the staff under (2) above.

## **STRESS MANAGEMENT POLICY**

With reference to the Minutes of Meeting of the Forum held on 16 December 2011 (Page 4062 refers), a report was submitted by the Head of Human Resources and Organisational Development providing an update on the new Stress Management Policy and Procedure which will replace the current Stress in the Workplace Policy and Procedure.

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

- (1) to note that consultation with the Trades Unions on the final draft policy had been concluded at the Employee Liaison Group meeting in January 2012;
- (2) to note that the revised Stress Management Policy had been approved by the Corporate and Efficient Governance Committee at its meeting on 21 March 2012; and
- (3) to note that a training framework would be put in place to support implementation of the new policy, that Trades Unions representatives would be invited to jointly deliver these sessions, and that Trades Unions representatives would be invited to attend a training session in March 2012 prior to the roll-out of the training.

## **STAFF CATERING FACILITIES IN GARSHAKE ROAD OFFICE**

With reference to the Minutes of Meeting of the Forum held on 16 December 2011 (Page 4064 refers), a report was submitted by the former Interim Executive Director of Corporate Services providing an update on proposals for improving staff catering facilities in the Garshake Road office.

Councillor Black, Chair, made reference to a briefing note in relation to this matter which he had requested and which he had been provided with.

After discussion and having heard 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 that when giving consideration to the Learning Disabilities Work Connect programme at its meeting on 29 February 2012 (Page XXX refers), Council had agreed to instruct officers to bring a report to the relevant Committee outlining how the Council could support the Work Connect group to open a Café Connect style facility in Garshake;
- (2) that the Head of Human Resources and Organisational Development should check the decision made at Council in respect of the above report;

- (3) that the Head of Human Resources and Organisational Development should forward the briefing note which had been provided to Councillor Black to the other members of the Forum; and
- (4) otherwise to note the content of the report and to welcome the plans for a new catering facility in the Garshake Road office.

### **DISCIPLINE, GRIEVANCE AND DIGNITY AT WORK INFORMATION**

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

- (a) providing information on disciplinary, grievance and dignity at work cases which were live as at 31 December 2011 (end of Quarter 3); and
- (b) providing a summary of cases concluded during this period.

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

### **SICKNESS ABSENCE REPORTING – QUARTER 3 (2011/12)**

A report was submitted by the Head of Human Resources and Organisational Development advising on the levels of employee sickness absence for the third Quarter of 2011/12 (October, November and December 2011).

After discussion and having heard the Head of Human Resources and Organisational Development and the Section Head, Employment Policy and Practice, in further explanation of the report and in answer to Members' questions, the Forum agreed to note the contents of the report.

### **MINUTES OF DEPARTMENTAL JOINT CONSULTATIVE COMMITTEES, DEPARTMENTAL HEALTH AND 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 and Safety meetings and Employee Liaison Group (ELG) meetings for the period to 31 December 2011 including any outstanding minutes from the previous reporting period.

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

- (1) to note with concern that a number of the minutes of JCC and Health & Safety meetings for the period to 31 December 2011 were not yet available;
- (2) that Human Resources, in conjunction with relevant departments, should consider ways of making these minutes available to the Trades Unions and members of the JCF in a more timely manner rather than on a quarterly basis;
- (3) to note the concerns expressed by Mr MacDonald that there had been occasions when Trades Unions stewards had not been released from their duties in order to allow them to attend JCC meetings;
- (4) to note that the Trades Unions may wish to raise the matter of the relationship between the JCF and the Employee Liaison Group as an item for discussion at a future meeting of the Forum; and
- (5) otherwise to note the contents of the report.

### **TRADES UNIONS ISSUES**

The Forum noted that the Trades Unions had not provided in advance of the meeting any matters which they wished to raise.

Following discussion, and having heard the Head of Human Resources and Organisational Development and the Senior Solicitor, the Forum agreed:-

- (1) to note that the matter of the Trades Unions not intimating issues which they wished to raise in advance of meetings of the Forum had been discussed on a number of occasions at previous meetings;
- (2) to note that as Trades Unions issues were often not intimated in advance of JCF meetings, officers were not being given the opportunity to prepare responses to these issues; and
- (3) that the Trades Unions would be given the opportunity to raise issues at the present meeting but to note that officers may not be in a position to provide responses to these issues.

### **ADJOURNMENT**

The Forum agreed to adjourn for a period of 5 minutes to enable the Trades Unions side to consider and focus the issues which they wished to raise at the present meeting.

The meeting reconvened at 3.35 p.m. with those Members and officers shown on the sederunt in attendance.

It was noted that the Trades Unions side accepted the importance of intimating issues which they wished to discuss in advance of meetings of the Forum and that they would endeavour to do so in the future.

#### Stress at Work – Equality Act Impact Assessment

After hearing Mr Morrison, the Forum agreed to note that this matter had been discussed earlier in the meeting when consideration had been given to the item 'Absence Member/Officer Working Group – Work Plan'.

#### Grievance Procedure – Stewards' Attendance

The Forum heard Mr Morrison who expressed concern that Trades Unions' stewards were not being permitted to accompany employees at the informal stage of a grievance procedure.

Following discussion, and having heard the Head of Human Resources and Organisational Development and the Senior Solicitor, the Forum agreed:-

- (1) to recommend that an amendment be made to the Grievance Policy and Procedure to allow Trades Unions' stewards to accompany employees at the informal stage of a grievance procedure; and
- (2) to note that the Head of Human Resources and Organisational Development would give consideration, in consultation with the Senior Solicitor, to the Forum's recommendation described in (1) above and report to a future meeting of the Forum and thereafter submit a report to the Corporate and Efficient Governance Committee requesting that it make a decision in respect of any proposed change to the policy.

#### Disciplinary Procedure

The Forum heard Mr Morrison who expressed concern that employees who were being investigated under the Disciplinary Procedure were not being presented with full details of the allegations against them at the investigation stage of the procedure.

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

- (1) to note that the purpose of a disciplinary investigation was to ascertain the full details of allegations against an employee;
- (2) to note that there is no set pattern for every investigation and that employees receive full details of any allegations at the conclusion of the investigation and prior to any potential disciplinary hearing;
- (3) to note that presently, on completion of an investigation, if it is decided that a case should not proceed to a disciplinary hearing, all documentation relating to the investigation is destroyed; and

- (4) that Mr Morrison should discuss his concerns with Human Resources, outwith the meeting, and, if the matter could not be resolved, a report should be submitted to a future meeting of the Forum.

#### Housing Stock Transfer Staffing Issues

The Forum heard Mr Morrison and Mr MacDonald who expressed concern at possible job losses which may result from the Housing Stock Transfer.

After discussion and having heard the Head of Human Resources and Organisational Development in answer to Members' questions, the Forum agreed to note the concerns expressed by the Trades Unions in respect of this matter.

#### One Stop Shops

The Forum heard Mr Morrison and Mr MacDonald who expressed concern that incorrect information relating to the new One Stop Shops had been provided to employees and sought an assurance that information given by different departments within the Council would be co-ordinated in the future.

The Forum agreed to note the Trades Unions' concerns in relation to this matter had been rectified at the time and that the Head of Human Resources and Organisational Development would notify the relevant sections of the Council of these concerns.

#### External Contractors – Living Wage

The Forum heard Mr Morrison and Mr MacDonald who suggested that external contractors whose services were used by the Council should be required to provide their employees with the same pay levels and conditions which are received by Council employees.

The Forum agreed to note that the Head of Human Resources and Organisational Development would seek legal advice on the Trades Unions' suggestion and would report to a future meeting of the Forum.

#### Detriment

The Forum heard at length from Mr MacDonald who expressed concern that over 300 employees whose pay was in detriment as a result of the implementation of the Single Status Agreement would face a reduction in their pay with effect from 1 April 2012. It was noted that Mr MacDonald expressed the view not enough had been done by the Council to take steps to minimise detriment.

After a full discussion and having heard the Head of Human Resources and Organisational Development and the Senior Solicitor in answer to Members' questions, the Forum agreed to note the current position and the concerns expressed by the Trades Unions in relation to this matter.



## Vehicle Emissions Monitoring and Tracking

The Forum heard Mr MacDonald who expressed concern at the expense of the Council's Vehicle Emissions Monitoring and Tracking system, the time expended by managers in using the system, and privacy issues relating to the use of the system.

After discussion and having heard the Head of Human Resources and Organisational Development and the Senior Solicitor in answer to Members' questions, the Forum agreed to note the concerns expressed by the Trades Unions in respect of this matter.

The meeting closed at 4.30 p.m.