



EMPLOYEES' CONSULTATIVE FORUM

**WEDNESDAY 1 APRIL 2009
7.30 PM**

**COMMITTEE ROOMS 1 & 2,
HARROW CIVIC CENTRE**

**[Pre Meetings: Council 7.00 PM CTTEE RM 1 & 2]
Employees' 6.30 PM CTTE RM 3]**

MEMBERSHIP (Quorum: 3 from the Council Side and 3 from the Employees' Side of the permanent membership)

Chair: Ms L Ahmad

Councillors:

**David Ashton
Mrs Camilla Bath
Susan Hall
Paul Osborn (VC)**

**Bob Currie
Graham Henson
Phillip O'Dell**

Employee Representatives

Representatives of HTCC: Ms L Snowdon (2 vacancies)

Representatives of UNISON: Ms M Cawley Mr G Martin
Ms A Jackson Mr R Thomas

Representative of GMB: Mr J Dunbar

Reserve Council Side Members:

1. Joyce Nickolay
2. Don Billson
3. Julia Merison
4. Tony Ferrari

1. B E Gate
2. Keith Ferry
3. Navin Shah

**Issued by the Democratic Services Section,
Legal and Governance Services Department**

**Contact: Miriam Wearing, Senior Democratic Services Officer
Tel: 020 8424 1542 E-mail: miriam.wearing@harrow.gov.uk**

HARROW COUNCIL

EMPLOYEES' CONSULTATIVE FORUM

WEDNESDAY 1 APRIL 2009

AGENDA - PART I

1. **Attendance by Reserve Members:**

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

2. **Declarations of Interest:**

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee, Sub Committee, Panel or Forum;
- (b) all other Members present in any part of the room or chamber.

3. **Minutes:** (Pages 1 - 4)

That the minutes of the meeting held on 28 January 2009 be taken as read and signed as a correct record.

4. **Petitions:**

To receive petitions (if any) submitted by members of the public/Councillors under the provisions of Advisory Panel and Consultative Forum Procedure Rule 14 (Part 4E of the Constitution).

5. **Deputations:**

To receive deputations (if any) under the provisions of Advisory Panel and Consultative Forum Procedure Rule 15 (Part 4E of the Constitution).

6. **Public Questions:**

To receive questions (if any) from local residents or organisations under the provisions of Advisory Panel and Consultative Forum Procedure Rule 16 (Part 4E of the Constitution).

7. **UNISON Report on Housing: Restructuring of Services:** (Pages 5 - 6)
Report from UNISON.

AGENDA - PART II - NIL

EMPLOYEES' CONSULTATIVE FORUM

28 JANUARY 2009

Chairman: * Ms L Ahmad

Councillors: * David Ashton * Graham Henson
* Mrs Camilla Bath * Phillip O'Dell
* Bob Currie * Paul Osborn
* Susan Hall

Representatives of HTCC: (Currently no appointees)

Representatives of UNISON: * Ms M Cawley * Mr G Martin
* Ms A Jackson * Mr R Thomas

Representative of GMB: Mr J Dunbar

* Denotes Member present/Employee Representative present

PART I - RECOMMENDATIONS - NIL

PART II - MINUTES

137. **Attendance by Reserve Members:**

RESOLVED: To note that there were no Reserve Members in attendance at this meeting.

138. **Declarations of Interest:**

RESOLVED: To note that the following interests were declared in relation to the business to be transacted at the meeting:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
7. Draft Revenue Budget and Capital Programme 2009-10 to 2011-12	Councillor David Ashton	Personal interest in that his daughter-in-law was a Council employee. Accordingly, he would remain in the room and take part in the discussion and decision-making on all items on the agenda.
8. UNISON Report on the Proposed Introduction of the New Conduct Policy	Councillor Bob Currie	Personal interest in that he was a retired member of UNISON and his son was a Council employee. Accordingly, he would remain in the room and take part in the discussion and decision-making on all items on the agenda.
9. Health and Safety Mid Year Report		
10. Managing and Monitoring Legionella	Councillor Graham Henson	Personal interest in that he was a member of the Communication Workers' Union and his cousin was a Council employee. Accordingly, he would remain in the room and take part in the discussion and decision-making on all items on the agenda.
12. The Effect on the Leisure Centre of a Gas Problem Elsewhere		

139. **Minutes:**

RESOLVED: That (1) the minutes of the meeting held on 11 December 2008, be taken as read and signed as a correct record; and

(2) the minutes of the meeting held on 8 September 2008 be taken as read and signed as a correct record subject to the following being noted:

- Councillor Keith Ferry was present as a reserve member for Councillor Bob Currie. John Dunbar was present as a representative of GMB.
- Minute 126 - Declarations of Interest. Delete reference to Councillor Currie and the stated interest and replace with Councillor Henson and a personal interest in that he was a member of the Communication Workers' Union and his cousin was a Council employee.

140. **Petitions, Deputations and Public Questions:**

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting under the provisions of the Advisory Panel and Consultative Forum Procedure Rules 16, 14 and 15 respectively (Part 4E of the Constitution).

141. **Draft Revenue Budget and Capital Programme 2009-10 to 2011-12:**

In view of the meeting due to be held on 6 February 2009 between the Leader of the Council and the Unions regarding the updated budget situation, it was agreed that the presentation on the budget report submitted to the December meeting of Cabinet would not proceed.

RESOLVED: That the presentation on the budget be deferred to the meeting on 6 February 2009.

142. **UNISON Report on the Proposed Introduction of the New Conduct Policy:**

The Forum received a report from UNISON, expressing concern regarding the proposed introduction of the new Conduct Policy, which was on a non contractual basis. The effect would be to lengthen the probation period and to remove the contract liability for breach of contract. UNISON requested that the Portfolio Holder for Performance, Communication and Corporate Services be asked to reconsider these non contractual policies.

In response, the Divisional Director, Human Resources and Development informed the Forum that the probation period would not be increased. Employment rights would only be gained after 12 months. The reason for the proposed change was that current practice required an amendment to the contracts of the entire workforce should a change in procedure be implemented. The officer stated that the unions did not have 50% of the employees as members. In response Unison disagreed and stated that between both unions there was membership of over 50% of the workforce. The proposal would streamline the process and was consistent with the position in other organisations. The potential number of staff with between six and twelve months of employment who would be subject to disciplinary action was extremely small and the right to an appeal to Members would continue to be available for those dismissed. In response to a question, he stated that he was of the view that the implementation of such an initiative would not have an adverse impact on recruitment or retention of staff.

UNISON expressed the view that the proposal removed the right to a fair hearing and that it could not agree to any initiative that removed the legal rights of employees.

The Forum noted that management had written to all staff to inform them of what was intended. The meeting of the Forum formed part of the consultation process on the matter. The proposed change was intended to better manage risk and ease administration.

In response to a question as to whether the Council was legally bound by breach of conduct and whether it was leaving itself open to challenge regarding the right to a fair hearing, the Forum was informed that legal advice supported the proposed action.

The Portfolio Holder indicated that he was prepared to look further at the matter should the Forum so decide.

RESOLVED: That the Portfolio Holder for Performance, Communication and Corporate Services be requested to consider further the proposed introduction of the new Conduct Policy.

143. **Health and Safety Mid Year Report:**

A report of the Corporate Director of Finance was received, which set out the progress made in respect of work carried out by the corporate health and safety team during the first six months of 2008/09. The Forum was advised of amendments to the Appendix to the report.

The officer reported that, due to two vacant posts, the main focus of the team had been to concentrate on core service delivery. It was noted that the Occupational Health and Safety Manager had returned to his substantive post following a secondment which would improve the resources available. Appreciation was expressed to union representatives for working with the service in the new Partnership Working.

UNISON expressed concern that information sought previously on the breakdown of health and safety visits and safety audit reports referred to in a previous report had not been received. The officer undertook to investigate the matter.

The Union sought information on the basis that the staffing reductions had been made, whether there were audit areas that had not been undertaken as a result of the reductions and whether staffing levels were in accordance with the recommendations of the Croner report. In response, the officer confirmed that the current staffing level reflected the Croner report and that the two vacant posts had not been filled due to budget constraints. However, a growth item in the 2009/10 budget would reinstate the full establishment. The structure would be reviewed in accordance with new business needs and a new structure recommended in conjunction with the trade unions. He was not aware of any audits that had not been undertaken as a result of the vacancies.

The officer requested union representatives to provide further details of areas of concern raised regarding lack of training, areas of alleged lack of response to issues raised, need for greater knowledge on protocols and the requirement to update asbestos plans. The need to ensure that details of courses were circulated to schools and to hold courses at different times of the day and different locations was recognised by the Council. Representatives were asked to encourage staff to raise any health and safety concerns with the service delivery area or management. The Chairman reported that if a matter was raised with her or her Unison colleagues they then directed the member of staff to raise the item with Management, copied in the Governors and Senior Management Team, and only if there was no response would she then take it further.

Management undertook to provide the statistics in relation to health and safety performance. It was noted that Improvement Boards met quarterly in each directorate.

RESOLVED: That (1) the progress to date on corporate health and safety matters be noted;

(2) information be provided on: the breakdown of health and safety visits and safety audit reports referred to in the minutes of the last meeting; and statistics in relation to health and safety performance; and

(3) that a meeting be held between the Trade Unions and Health and Safety Management to further discuss the matters raised.

144. **The Arrangements for Managing and Monitoring Legionella:**

In response to a request at a previous meeting, the Forum was advised of the arrangements for managing and monitoring Legionella at Harrow Council. The report of the Corporate Director of Finance included background information, legislative requirements and approved codes of practice.

UNISON expressed concern that the report was technical and did not address matters such as who was responsible for the phases of control, which were sometimes split between departments, and the levels of responsibilities.

It was suggested that a letter be sent to the Leader of the Council, with a copy to UNISON, detailing what the Council was required to do and whether these requirements were being met. The officers were of the view that the process and procedures were robust and met legal requirements.

The Union representatives raised a number of questions and it was agreed that these be collated and presented to the Health and Safety Team, with a copy to Councillor attendees.

RESOLVED: That (1) the report be noted; and

(2) a letter be sent to the Leader of the Council detailing the requirements of the legislation appertaining to Legionella and whether the requirements were being met by Harrow Council

145. **Exclusion of the Press and Public:**

RESOLVED: That the press and public be excluded from the meeting for the following item for the reasons set out below:

<u>Item</u>	<u>Title</u>	<u>Reason</u>
12	The Effect on the Leisure Centre of a Gas Problem Elsewhere	Information under paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, relating to the financial or business affairs of any particular person (including the authority holding that information)

146. **The Effect on the Leisure Centre of a Gas Problem Elsewhere:**

Further to discussion at the July 2008 meeting of the Forum, a report of the Divisional Director of Environmental Services was submitted on the effect on the Leisure Centre of a gas problem elsewhere.

The officer responded to a number of detailed questions from the Union representatives.

RESOLVED: That it be noted that (1) a brief report outlining the main considerations would be submitted to the Government, Audit and Risk Management Committee; and

(2) the Deputy Leader and Portfolio Holder for Environment Services and Community Safety would meet with the Director of Community and Environment on the matter.

(Note: The meeting having commenced at 7.30 pm, closed at 9.05 pm)

(Signed) MS L AHMAD
Chairman

EMPLOYEES' CONSULTATIVE FORUM *Date April 2009*

**EMPLOYEES' SIDE REPORT ON Housing: Restructuring of Services
SUMMARY AND DECISION REQUESTED**

Consultation process was flawed:
Unison wishes to raise major concerns regarding the lack of commitment to the values and obligations within the Policy for organisational change which underpins this Councils pledge of partnership working.
This union requests that the Portfolio holder undertake to remind officers that they are required to consult and provide adequate comments and documentation (Recognition and Procedural Agreement 5.6); and that they have a greater responsibility to communicate effectively with the staff' and staff side to ensure that the 'Create Values' are disseminated to all.

CHRONOLOGY

DATE	ACTION	OUTCOME
1.12.08	Issue raised informally by Branch Secretary with Service manager	No response from Manager
11.12.08	Meeting between management and unions	Matter unresolved
19.01.09	Meeting with staff and unions	Requests for documentation by this union still outstanding; Matter referred to AHJC
30.01.09	Meeting with Paul Najsarek Corporate Director and unison	Unison raised their concerns and tabled counter proposal
9.02.09	Adults & Housing Joint Committee	No resolution was found – matter referred to ECF
	This is not an exhaustive list of meetings and letters that have been held to resolve this matter.	

REPORT

It was acknowledged in a letter dated 28th November 2008; that 'restructure always presents an uncertain time for staff'; yet apologies were tabled by Ms Gwyneth Allen at the very first meeting with staff for the inappropriate and insensitive way that employees were informed of the proposed deletion of posts. The letter also stated that 'whilst I do not want to alarm staff unnecessarily, it is vital that staff and unions are aware of these proposals'; this assurance has proven not to be the case in practice.

Consultation process was flawed:

Unison wishes to raise major concerns regarding the lack of commitment to the values and obligations within the Policy for organisational change which underpins this Council's pledge of partnership working. The original documentation provided on Monday 1st December 2008 for Consultation was inaccurate; and the information was distributed to all employees prior to informing those in the posts at risk of deletion.

Failure to respond to reasonable requests for information/documentation:

Unison has frequently, repeatedly and reasonably requested that all the documentation could be provided. This union questioned the decision by the management of this service not to conduct even basic feasibility studies; the reluctance to provide any relevant evidence to substantiate the deletion of posts and the reallocation of residual tasks to remaining employees as identified in the consultation document was derelict and ill considered.

This failure to provide all the relevant documentation and attributed costs from the first restructure (which failed to meet the required outcome). Unison has requested this vital documentation in order to base a balanced and objective response to the proposal, has placed an impediment to constructive and meaningful consultation.

Unison is committed to working with all parts of this Council to provide an effective value for money service delivery, to protect its member's jobs, which in turn provides consistency of service and maintains familiarity and trust to the residents of Harrow. It is with regret that our endeavours in this regard have been frustrated by the failure of the Housing department senior management team to engage in meaningful debate, effective communication and provision of valuable information which would achieve a collective input by all stakeholders.

AUTHOR: Harrow UNISON Branch Secretary Gary Martin

CONTACT DETAILS 020 8424 1795