

**CITY AND COUNTY OF CARDIFF
DINAS A SIR CAERDYDD**

Employment Conditions Committee: 16 January 2006

Report of the Assistant Chief Executive

Employee Relations Matters

Background

1. A meeting of the Works Council took place on 14 December, 2005. Under the Council's constitution, employment issues are not matters for the Executive but require Council decision. Accordingly the minutes of the Works Council meeting are attached as Appendix A for the Committee's information, as agreed by Members and Trade Unions under the constitution of the Works Council.

Issues

2. The following issues were discussed.

Reinstatement of Members in Appeals Processes

3. It was confirmed that Members would be involved in final stages of discipline and grievance i.e. appeals against dismissal and final stage grievances. A comprehensive review of the Council's Discipline and Grievance policies was underway and revised proposals would, following the usual consultation processes, be considered by Employment Conditions Committee in April, 2006.

Making the Connections – Delivering Better Services for Wales

4. Anna Freeman and Paul Elliott delivered a joint presentation based on a document produced by the Joint Council for Wales entitled "Making the Connections – The Human Resources Implications".
5. The presentation stressed that whilst Gershon in England had been based on the principles of competition, MTC was more about co-operation and the need to strengthen and develop rather than cut public services. The longer term aspiration was a seamless Public Service in Wales, whether it was Local Government, Health etc. and it was anticipated that this could be achieved without compulsory redundancies. Sharing certain services e.g. Legal, Payroll, Procurement, etc was clearly an option which some Welsh Authorities were currently exploring.
6. The Trade Unions stated that the whole efficiency and effectiveness agenda being driven by MTC would have significant/resource implications across the whole public sector in HR input, time/commitment from all Trade Unions, etc in addition to the demands of the Single Status and Job Evaluation agenda.

Single Status and Job Evaluation – Update

7. Laithe Bonni (Human Resources) and Mike Hayes (Branch Chair, UNISON) delivered a joint presentation on this issue. The presentation covered the reasons for job evaluation, an outline of the joint working arrangements established, provided an update on progress to date and outlined the next steps. Particular points raised during the presentation included need for comprehensive communication throughout the exercise, the preparatory work required for the pilot, some future difficult issues still to be addressed and the need to maintain effective partnership arrangements throughout.

Personal Performance and Development Scheme – Update

8. Deborah Morley (Human Resources) and Andy Davis (GMB) delivered a joint presentation on this issue. The presentation covered progress on scheme implementation for OMs and above, the proposals for roll out of stage 2 (ie to all staff), development of What We Stand 4, and an update on the leadership framework. The presentation included clarification of linkages between what (tasks) people do at work and how (behaviours) they do it, the development arrangements being put in place for managers from January 2006 and the proposed roll out for all staff from April, 2006. It was confirmed that there would be no link to pay.

Update on Chief Officer Review

9. The Works Council were advised that Phillip Sherratt had been appointed to Chief Transport Infrastructure and Waste Management Officer post and Tony Riches appointed to Chief Project, Design and Development Officer post and that both would commence their duties from 3rd January, 2006. In view of recent developments, the post of Chief Culture, Sports and Events Officer was currently under review and that any changes to the portfolio of that post would need, following appropriate consultation, to be considered at a future Employment Conditions Committee.
10. The new Chief Strategic Planning and Environment Officer post would be advertised early in January 2006. The need to keep all Elected Members and staff (particularly those directly affected) updated on these issues was reiterated.

Works Council: Themes for 2006

11. The Chief Human Resources Officer outlined some themes for future Works Council meetings. These would include Equality and Diversity, Partnership Working and Flexible Working. The list of proposed themes was not exhaustive and ideas from the Trade Unions were welcome.

Lack of Consultation

12. The Trade Unions provided a number of examples where Service Area specific procedures and corporate guidance notes were being introduced without Trade Union consultation. It was confirmed that consultation on Service Area specific procedures, and policies and guidance notes should take place and that full implementation of the Service Area Joint Consultation Committees, as outlined in the Council's Employee Relations Framework, would be the appropriate forum for such purposes.

Service Area JC's

13. The Trade Unions highlighted that Service Area JC's, as referred to in the Council's Employee Relations Framework, were not happening across all Service Areas. It was agreed that the Chief Human Resources Officer would re-launch this framework with his Chief Officer colleagues and the Trade Unions early in the New Year in a planned and managed way.

Learning for All

14. The Trade Unions requested that the Council sign up to this Government Scheme (also referred to as the Home Computing Initiative or HCI) designed to increase the number of households in the UK having computer access which would benefit employee and employer.
15. Whilst the principles seemed reasonable, experience in other local authorities had highlighted a number of issues that would need to be considered prior to the roll out of such a scheme e.g. scheme administration support, implications for superannuation, selection of provider, etc. The issue of nursery vouchers was also raised by the Trade Unions.
16. It was agreed that it may be more appropriate to commission a comprehensive feasibility study facilitated by an external organisation on both nursery vouchers and the HCI so that the Council could make an informed decision on key priorities. It was agreed that an update on progress/recommendations from both areas, where possible, would be provided to the next Works Council meeting in March 2006.

Sick Pay for Cleaners

17. The GMB provided the background to this issue since 1997 which focussed on Cover Bonus Hours arrangements whereby cleaners received payments for covering absent colleagues, or occupational sick pay included as part of national Terms and conditions.
18. Following recent meetings with the Trade Unions, agreement was secured to ballot cleaning staff across the Council.

Civic Works

19. The GMB and T&G advised that the Council seemed intent on offering work immediately to outside contractors rather than considering in-house provision. (ie in this case the Civic Works Team within CMS) which led to significant under utilisation of that team.
20. Whilst the matter had been raised by the Trade Unions at the Service Area level on numerous occasions, it had not been satisfactorily resolved. In response to the Trade Unions' request, the Chief Human Resources Officer confirmed that as CMS were transferring to a new Chief Officer (i.e. Chief Housing and Neighbourhood Renewal Officer), discussions on this matter had already begun and it was hoped that the matter could be satisfactorily resolved.

Prime Rate – Tool Allowance

21. The GMB, T&G and AMICUS outlined the background to this issue and advised that recent discussions held had been constructive and that a way forward had been agreed although they were awaiting further information. The Works Council were advised that the information referred to had been despatched on 13 December and that Management would now await the Trade Unions' formal response to the written proposal.

Proposals

22. It is proposed that the Employment Conditions Committee note the issues discussed at the Works Council and express any views it may have on these matters.

Investment for Reform/Benefit to service user

23. This report is for the information of the Committee.

Council Policies Supported

24. This report is for the information of the Committee.

Advice

25. This report has been prepared in consultation with relevant Corporate Managers and reflects their advice. It contains all the information necessary to allow Members to arrive at a reasonable view, taking into account the following advice.

Legal Implications

26. This is an information report and as such has no direct legal implications.

Financial Implications

27. There are no financial implications arising directly from this report. However, a number of items referred to in the report may have financial issues which would need to be considered when these are reported upon separately.

Human Resource Implications

28. The report is for the information of the Committee.

Trade Union Comments

29. The Trade Union views on the matters discussed are recorded in the report and the attached minutes.

RECOMMENDATION

30. It is recommended that Employment Conditions Committee note the issues discussed at Works Council and express any views it may have on these matters.

JO FARRAR
ASSISTANT CHIEF EXECUTIVE

The following appendix is attached:
Appendix A – Minutes of the Works Council 14 December 2005.

**WORKS COUNCIL
14 December 2005**

Present: Councillors Berman, Stephens and Walsh

Approved

TU reps: Mike Love, Keith Greenslade, AMICUS
Ken Daniels, Andy Davis, Phil Andrews, GMB
Mike Formosa, Bob Clarke, Laurence Coles, Nicola Burrows
TGWU
Martin Roberts UCATT
Mike Hayes, Linda Webb-Thornton, Jackie Clarke,
Mike Colley (FTO) UNISON

Officers: Jo Farrar (Assistant Chief Executive) Philip Lenz, Bryan Johnson,
Deborah Morley, Laithe Bonni, Lynne David, Human Resources
Crispin O'Connell, ICT

Others: Anna Freeman, Head of Employment and Joint Council for
Wales Employer's Side Secretary and Paul Elliot, Head of Unison
Local Government Joint Council for Wales,
Trade Unions' Side Secretary attended for item 3 "Making the
Connections"

Apologies: Councillor Sheppard
Andy Gardner, AMICUS
John Evans, NAHT
Mark Turner, UNISON

1. MINUTES

The minutes of the meeting held on 15 September 2005 were approved as a correct record.

2. MATTERS ARISING

A list of the action points from the last meeting detailing the current position on each item had been previously circulated with the agenda. The following matters were discussed.

Reinstatement of Members in Appeals Processes

It was confirmed that Members would be involved in final stages of discipline and grievance i.e. appeals against dismissal and final stage grievances. A comprehensive review of the Council's Discipline and Grievance policies was underway and revised proposals would, following the usual consultation processes, be considered by Employment Conditions Committee in April 2006.

Review of Time-Off/Facilities Agreement

Unison confirmed that their revised proposals for improving these arrangements would be provided to the Chief Human Resources Officer for consideration.

3. Making the Connections – Delivering Better Services for Wales

Anna Freeman and Paul Elliott delivered a joint presentation based on a document produced by the Joint Council for Wales, “Making the Connections - The Human Resources Implications”.

Anna and Paul stressed that whilst Gershon in England had been based on the principles of competition, MTC was more about co-operation and the need to strengthen and develop rather than cut public services.

The longer term aspiration (10-15 years hence) was a seamless Public Service in Wales, whether it was Local Government, Health etc. It was anticipated that this vision could be achieved without compulsory redundancies. Sharing certain services e.g. Legal, Payroll, Procurement, etc was clearly an option which some Welsh Authorities were currently exploring.

Following the joint presentation, UNISON stated that the whole efficiency and effectiveness agenda being driven by MTC would have significant resource implications across the whole public sector in HR input, time/commitment from all Trade Unions, etc in addition to the demands of the single status and job evaluation agenda.

The Chair confirmed that at a recent scrutiny Committee, the issue of sharing Waste Management experience had been considered. Similar discussions had occurred on Social Care issues and that whilst the broad proposals seemed to be positively received, the associated budgets would need to be discussed.

Councillor Walsh commented that whilst the principles of co-operation were important, any changes should not be at the expense of front line staff. Delivering the MTC agenda would require effort and considerable negotiation but should, at all costs, avoid compulsory redundancy of staff. Services must continue to be delivered and clear accountabilities maintained.

4. Single Status and Job Evaluation – Update

Laithe Bonni (Human Resources) and Mike Hayes (Branch Chair, UNISON) delivered a joint presentation on this issue. The presentation covered the reasons for job evaluation, an outline of the joint working arrangements established, provided an update on progress to date and outlined the next steps. Particular points raised during the presentation included:

- Whilst some initial difficulties had been encountered e.g. TU time off, pay protection arrangements etc., these had since been overcome.
- Acceptance by the New Administration that job evaluation could not be delivered on a cost neutral basis was welcomed by the Trade Unions.

- Comprehensive communications with all staff and Elected Members was key.
- Amount of preparatory work prior to the start of pilot exercise was considerable.
- Key issues still to be addressed included back pay/compensation and options for pay and grading structures.
- Involvement of HR, Trade Unions and Service Area Managers at the outset and then working through difficult issues in partnership was critical.

5. **Personal Performance and Development Scheme – Update**

Deborah Morley (Human Resources) and Andy Davis (GMB) delivered a joint presentation on this issue. The presentation covered progress on scheme implementation for OMs and above, the proposals for roll out of stage 2 (i.e. to all staff), development of 'What we stand 4' and 'not what we stand 4' behaviours and an update on the leadership framework. Key points raised through the presentation included:

- Mapping out and linkages between what (tasks) people do at work and how (behaviours) they do it.
- Development arrangements being put in place for managers from January 2006.
- Progress on proposed roll out for all staff from April 2006.
- Discussion on not/what the stand for, outlining behaviours under 4 key headings, which are acceptable and those not i.e. putting our customers first, getting things done , taking Personal Responsibility and understanding others
- Linkages to Leadership framework.

Councillor Walsh stressed her full support and commitment to the proposals which would hopefully achieve equality of treatment for staff at all levels in the organisation. UNISON also commended the proposals if the Personal Performance and Development Scheme could be the catalyst to reduce and/or remove the current blame culture where it existed. The Chair confirmed that this approach was based upon, and would continue to be based upon, the need to work together to affect this change. It was confirmed that there would be no link to pay

6. **Update on Chief Officer Review**

The Chief Human Resources Officer advised that in the preceding few days, Phillip Sherratt had been appointed to Chief Transport Infrastructure and Waste Management Officer post and Tony Riches appointed to Chief Project, Design and Development Officer post and that both would commence their new duties from 3 January 2006.

In view of recent developments, the post of Chief Culture, Sports & Events Officer was currently under review. Paul Jenkins and Trevor Gough would remain in their existing posts in the interim. The GMB queried whether the decision to delay appointment to this post would result in a split portfolio from that currently envisaged. The Chief Human Resources Officer advised that on completion of that review, any changes to the portfolio of that post

would need, following appropriate consultation, to be considered at a future Employment Conditions Committee.

As the post of Chief Strategic Planning & Environment Officer had no internal applicants at Chief Officer level, it would be advertised early in January 2006. The need to keep all Elected Members and staff (particularly those directly affected) updated on these issues was reiterated

7. Works Council: Themes for 2006

The Chief Human Resources Officer outlined some themes for future Works Council Meetings. These would include Equality and Diversity, Partnership Working and Flexible Working. In relation to the Partnership working theme these would be based on the Council's current Protocol document. He confirmed that the list of proposed themes was not exhaustive and ideas from the Trade Unions would be welcome.

Trade Union Items

8. Lack of Consultation

The Trade Unions provided a number of examples where Service Area specific procedures were being introduced without Trade Union consultation. Examples cited included various allowances, and procedures for mobile phone usage and lone working. Further they outlined that a number of guidance notes available on CIS had also not been the subject of Trade Union Consultation.

The Chief Human Resources Officer confirmed that local consultation on Service Area specific procedures and policies should take place. He added that the full implementation of Service Area Joint Consultation Committee, as outlined in the Council's Employee Relations Framework, would be the appropriate vehicle for any such consultation.

He confirmed that whilst guidance notes on CIS were based on agreed policies, the notes themselves were not normally consulted upon. However, he agreed that in future, any HR guidelines would be consulted upon with the Trade Unions within appropriate timescales.

9. Service Area JC's

The Trade Unions highlighted that formal Service Area Joint Committees as referred to in the Council's Employee Relations Framework were not happening across all Service Areas and where they were, the minutes were not being reported to this meeting..

The Chief Human Resources Officer confirmed that whilst in some Service Areas, Trade Union/Management meetings were taking place e.g. Waste Management, CMS, Children's Services, etc, this was not the case across the Council

The Chair agreed that such arrangements should be implemented accordingly and the outcomes managed in such a way that this meeting does not have to consider 13 sets of minutes at the same time. He also reiterated that in addition to them being the appropriate consultation forum, they would also help resolve issues at the earliest opportunity.

The Chair requested that the Chief Human Resources Officer re-launch this framework with his Chief Officer colleagues and the Trade Unions early in the New Year in a planned and managed way.

10. **Learning for All**

The Trade Unions requested that the Council sign up to this Government Scheme (also referred to as the Home Computing Initiative or HCI) which is designed to increase the number of households in the UK having computer access. They outlined the employee benefits (i.e. acquisition of IT equipment, no interest charges full technical support, etc) and those which would accrue to the employer (assist in recruitment and retention, improve morale, support more flexible ways of working e.g. home working, etc.)

The Chief Information and Communication Technology Officer commented that whilst the principles outlined seemed sound, experience in other local authorities had highlighted a number of issues that would need to be considered prior to the full roll out of such a scheme.

These included identification of internal administrative support resources, the need to select an appropriate provider in a highly competitive market, the likelihood that Teachers would be exempt and the need to resolve the superannuation elements of the scheme. He also added that similar opportunities existed externally in relation to initiatives relating to nursery vouchers and purchase of bicycles.

In response to a request by the T&G, the Chief Human Resources Officer advised that whilst information on HCI and nursery vouchers could be distributed, it may raise unrealistic expectations for staff without the issue being properly researched. He advised that it may be more appropriate to commission a comprehensive feasibility study facilitated by an external organisation on both nursery vouchers and the HCI so that the Council could make an informed decision on key priorities, etc.

It was agreed that an update on progress/recommendations from both areas, where possible, would be provided to the next Works Council meeting in March 2006.

The Trade Unions also raised the issue of their access to the Council's Intranet System. The Chief Human Resources Officer advised that this would be considered and the Trade Unions would be advised accordingly.

11. **Sick Pay for Cleaners**

The GMB advised that in 1997, discussions took place with Trade Union representatives on a range of issues associated with the restoration of national terms and conditions and in particular related to staff employed under CCT arrangements. A specific issue related to a local agreement for former

PSD employees who were in receipt of Cover Bonus Hours payments whereby they received payment for covering absent colleagues, rather than occupational sick pay. As a consequence of Trade Union consultation, national terms and conditions for this group of staff were restored with effect from 1st October, 1997.

In 1998 requests from cleaners were made to re-introduce the local Cover Hours Bonus payments agreement and the workforce was balloted. The overwhelming majority voted in favour of Cover Hours Bonus payments rather than retaining national terms and conditions ie Occupational Sick Pay.

GMB raised the issue of whether new employees should be appointed on national terms and conditions i.e. with OSP. Currently new employees are appointed with Cover Hours Bonus in line with the terms and conditions of the majority of cleaners.

The Chief Human Resources Officer advised that following recent meetings with GMB, it was proposed that subject to T&G and UNISON agreeing, a ballot all cleaning staff across the Council would be undertaken.

Following a wide ranging discussion, the Chair concluded that it was his personal view that national terms and conditions would be more favourable but that the wishes of staff had to be taken into account.

Councillor Walsh reiterated her views of the need to consider low pay/sex discriminatory issues arising from these arrangements and that in her view, national terms and conditions were preferable.

12. **Civic Works**

The GMB and T&G felt that the Council seemed intent on offering work immediately to outside contractors rather than considering in-house provision.(ie in this case the Civic Works Team within CMS) which has led to significant under utilisation of that team. They reiterated the need to ensure that the Council's own staff were gainfully employed prior to releasing work to the private sector.

Whilst the matter had been raised by the Trade Unions at the Service Area level on numerous occasions, it had not been satisfactorily resolved. In response to the Trade Unions' request, the Chief Human Resources Officer confirmed that as CMS were transferring to a new Chief Officer (i.e. Chief Housing, Neighbourhood Renewal & Community Safety Officer), discussions on this matter had already begun and it was hoped that the matter could be satisfactorily resolved.

13. **Prime Rate – Tool Allowance**

The GMB, T&G and AMICUS outlined the background to this issue and advised that recent discussions held had been constructive and that a way forward had been agreed although they were awaiting further information. The Chief Human Resources Officer confirmed that the information had been despatched on 13 December and that Management would now await the Trade Unions' formal response to the written proposal.