

AGENDA ITEM 9

MINUTES OF A MEETING OF THE  
LOCAL JOINT PANEL HELD IN THE  
WAYTEMORE ROOM, THE  
CAUSEWAY, BISHOP'S STORTFORD  
ON WEDNESDAY 16 SEPTEMBER 2009  
AT 2.30PM

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PRESENT: Employer's Side

Councillor M R Alexander (Chairman).  
Councillors A P Jackson, S Rutland-Barsby,  
M Wood.

Staff Side (UNISON)

Chris Clowes (Vice Chairman), Chris Cooper,  
Patrick Newman, Jane Sharp.

ALSO IN ATTENDANCE:

Councillor D A A Peek.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Committee Secretary
Emma Freeman	- Head of People and Organisational Services
Alan Madin	- Director of Internal Services
Graham Mully	- Risk Assurance Officer

ACTION8 CHAIRMAN'S ANNOUNCEMENT

The Chairman commented that Patrick Newman was substituting on behalf of Andy Stevenson from the Staff Side.

RECOMMENDED ITEMS9 REVISED AND NEW HUMAN RESOURCES POLICIES:  
REDUNDANCY AND RETIREMENT

The Secretary to the Employer's Side submitted a report detailing updates to the Redundancy and the Retirement Policies brought about as a result of legislative changes which affected the need to review the provision and discretions in connection with early retirement and redundancy.

The Secretary to the Employer's Side commented that the Redundancy Policy had been revised to include the Council's redundancy payment calculation. The Policy had also had a change of name to reflect the fact that the policy explained the process for redundancy.

The Secretary to the Employer's Side commented that the Council had also signed up to work with the Response to Redundancy (R2R) organisation which supported organisations who have jobs at the risk of redundancy.

The Secretary to the Employer's Side explained that the new Retirement Policy covered the procedure for early and flexible retirement currently not covered by any HR policy. She commented that a discretion was available to the Council to exercise Regulation 13. This would give the Council the power to award a member of staff an additional pension of not more than £5,000 a year payable from the same date as his/her pension in addition to added years service. This

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discretion was not recommended.

The Secretary to the Staff Side commented that UNISON was happy with the Policy. However, she referred to the discretion under Regulation 13 and stated that there could be “exceptional circumstances” warranting the application of this discretion and that cases should be looked at on merit. She commented that in some cases, it might be beneficial to the Council.

The Secretary to the Staff Side commented that employers were required to state whether or not they were exercising their discretion in respect of certain regulations. She commented that UNISON would support a minor amendment with the insertion of “generally” within the Regulation 13 (Power to award additional Pension). The Panel supported this.

The Panel supported the revisions to the Redundancy (previously Achieving Organisational Change Policy) and the Retirement Policies. The Panel also endorsed an amendment to Regulation 13 (Power to award additional pension) by the inclusion of the word “generally”.

**RECOMMENDED** – that (A) the revised Redundancy Policy (previously Achieving Organisational Change Policy) and Retirement Policy be approved; and

**DIS**

(B) the Council’s Policy on Pension Regulations, specifically Regulation 13 (Power to award additional pension) included within the Retirement Policy and as amended, be endorsed.

**DIS**

## 10 **HOME WORKING POLICY**

The Secretary to the Employer’s Side submitted a report on a Home Working Policy aimed at addressing

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the specific needs of home working including health and safety, place of hours of work, provision, use and maintenance of equipment, materials and insurance, communications, privacy, security, absence reporting, visits and expenses. It was noted that the Home Working Policy had been developed to support the Council's commitment to facilitate flexible working, supporting the C3W Programme and in delivering high standards of care and service. The Policy had been circulated widely in terms of Officer input.

The Chairman, on behalf of Members thanked all Officers concerned for the detailed report.

Councillor Rutland-Barsby expressed concern about the distribution of car kits and health and safety issues. The Risk Assurance Officer commented that the Health and Safety Policy required Officers not to use their mobile phones whilst driving. He commented that the car kits might relate to recharging kits for laptops.

The Secretary to the Employer's Side confirmed that the original number of Home Workers under the "Traffic Light System" was indicative and that the issue, including the issue of part home and part office workers, needed to be revisited and discussed with Heads of Service. She commented that Heads of Service were keen to have the policy in place so that matters could move forward.

Councillor Rutland-Barsby commented on the suggestion that employees should make their own arrangements in terms of internal supplies to IT electrical equipment, e.g. circuit breakers. The Chairman commented that the Council would not expect employees to pay for such equipment.

The Secretary to the Staff Side commented that she was concerned about the Policy in terms of Health and Safety and that many of the issues had been "watered

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down". She referred to risk assessments and responsibility for this process. The Secretary to the Staff Side commented that the new policy required the employee to undertake a DSE work station assessment, involving the Line Manager. The Secretary to the Staff Side felt that this was not appropriate and that the onus should be on the employer to conduct risk assessments. She noted that a random 10% sample of all homes would be selected by Health and Safety Officers for review, but that for health and safety reasons and confidentiality reasons, visits to homes should be undertaken by a trained officer prior to the start of home working by employees.

The Secretary to the Staff Side referred to feedback she had received from staff about the possibility that an employee working during the trial period, and when broadband would not yet have been installed by the Council, might have their broadband contract invalidated, if used for business purposes. UNISON also referred to possible breaches of Data Security and the need to have risk assessments in place for each home. The risk of viewing data on screen was also discussed.

The Secretary to the Staff Side raised the question of use of laptops by employees working occasionally or once a week from home. A number of concerns had been expressed about laptops not being compliant with DSE health and safety regulations. The Secretary to the Employer's Side gave assurances that any equipment deemed necessary for health and safety reasons, would be made available on request. The Secretary to the Staff Side asked that the policy be amended to clarify this point.

The Director of Internal Services commented that work was in progress to make sure that data could not be accessed inappropriately and to identify where there might be problem areas.

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The Secretary to the Staff Side referred to the issue of travel claims and stated that the sentence in paragraph 15.2 needed to be amended to read “Home workers may not claim for journeys to an East Herts office base, unless covered by the disturbance allowance scheme”. The Secretary to the Employer’s Side commented on the need to review the Home Working Policy, once it was operational.

The Risk Assurance Officer commented that home workers would complete a DSE workstation assessment for their office space and also their home. This assessment would be discussed during an interview with their Manager, with support from a trained Assessor if necessary. In addition the generic health and safety risk assessment on home working would be considered and any necessary control measures implemented. A random 10% sample would be assessed at home, plus all other home workers where health and safety concerns were raised by the employee or manager.

The Risk Assurance Officer commented that the Home Working Policy was compliant with the regulations and he knew of no case law to suggest otherwise. UNISON expressed concern at this process.

The Secretary to the Employer’s Side confirmed that a range of equipment would be provided to ensure that health and safety issues were addressed and that this would be agreed between the Head of Service and employee.

The Panel supported the Home Working Policy and requested that Officers report back in a year.

**RECOMMENDED** – that (A) subject to the two minor amendments referred to, the Home Working Policy be approved; and

**DIS**

ACTION**(B) Officers report back in 12 months****DIS**RESOLVED ITEMS11 MINUTES

RESOLVED – that the Minutes of the meeting held on 17 June 2009 be approved and signed by the Chairman as a correct record.

12 SAFETY COMMITTEE – MINUTES OF THE MEETING HELD ON 25 JUNE 2009

RESOLVED – that the Minutes of the meeting held on 25 June 2009 be received.

13 TIME OFF IN LIEU (TOIL)

The Secretary to the Employer's Side submitted a report recommending that TOIL be accrued at flat rate rather than time and a half (or double time on a Sunday). A survey had been carried out of other local authorities for comparative purposes, the detail of which was set out in the report now submitted. The majority of those Councils who had responded, indicated that the majority accrued TOIL at flat rate. The Secretary to the Employer's Side commented that a number of Heads of Service had been approving TOIL on the basis of flat rate, not realising that the current rules state that this should be time and a half.

The Secretary to the Employer's Side commented that TOIL could be used as a way to reward staff for their commitment by extra time off but with no additional cost to the Council. It was noted that Corporate Management Team (CMT) was in the process of developing a reward schedule for compensation for attendance in "exceptional circumstances".

The Secretary to the Staff Side commented that UNISON could not support the recommendation for the reasons

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stated in Essential Reference Paper “C” attached to the report now submitted. She commented that UNISON did not see how savings could be achieved by reducing TOIL to flat rate. She commented that UNISON supported the “Green Book” principle that employees should be rewarded for working unsocial hours by being paid time and half or double time for weekends or hours worked over 37. The Secretary to the Staff Side commented that if TOIL at time and half was reduced to a flat rate, then there would be a lot of ill feeling by staff who worked during the evening and no incentive for them to work outside hours. This would put more pressure on Head of Service to work overtime.

The Secretary to the Staff Side referred to one comment received by an officer opposing the proposal. She commented that this would mean that more claims would be made for overtime and increased pressure on the Council’s budget. The Secretary to the Staff Side commented that it was not a “reward” to staff but it was “compensating” staff for working unsocial hours. She stated that in many cases staff needed that time off to catch up on sleep, when called out during the night.

The Secretary to the Staff Side commented that the reward scheme referred to in the report now submitted, should be put in place before any decision was taken on TOIL.

The Secretary to the Employer’s Side commented that some staff such as those in Environmental Health were provided with a “Standby Allowance”. The Staff Side confirmed that this was the case but commented that the “Standby Allowance” was to ensure that Officers were available to receive a call and for the disruption to their personal lives. She asked the Secretary to the Employer’s Side to confirm whether Officers had a choice, i.e. TOIL or overtime.

The Staff Side commented that if an Officer received a call whilst on standby, it was then up to that Officer to decide whether it was sufficiently urgent to have to go out or wait until office hours to deal with it. The Staff Side commented



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that Licensing Officers were not on call, but did have to make late night visits for which TOIL was accrued. Being called out at 3am was a complete disruption to an Officer's life. The Secretary to the Employer's Side confirmed that Licensing Officers claimed TOIL at flat rate when called out.

The Chairman commented that there were no proposals to change overtime rates.

Councillor A P Jackson commented that TOIL or overtime was at the Manager's discretion. He commented that staff hours of work were built into a contract, but that there might be exceptional circumstances, i.e. if an Officer was called out at 3am. He commented on the need for consistency in the application of TOIL within the Council and with other Councils in the area. Councillor A P Jackson supported Officer's recommendation.

The Staff Side commented that if a member of staff was on call and was called out at 2 am, staff needed to be compensated. For certain officers such as Environmental Health Officers it was not exceptional to be called out for noise complaints in the night. It was acknowledged that Officers may be on standby and not go out in the early hours of the morning, but that the Officer would need to make a decision and would need to have the support of their Manager to go out in the early hours. The Staff Side commented that there was a difference working in the evening and working during the night.

The Staff Side sought further information in terms of TOIL accrued at flat rate, at time and a half and over time in which particular sections was being claimed. The Secretary to the Employer's side commented that the cost of overtime in 2008/09 was £68,123.23 but that it was not possible to detail what how much TOIL was taken as this was recorded separately.

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The Secretary to the Staff Side commented on the work in Revenue and Benefits in terms of “peaks and troughs” and commented that the “Green Book” stated that Saturday work should be at time and a half with Sunday at double time. She commented that on occasions it was to the benefit of the Council to have staff willing to work Saturdays in an effort to catch up on work. She commented that if TOIL was paid at a flat rate, there would be no incentive for staff to work at the weekend, unless they were paid overtime. The Secretary to the Employer’s Side commented that new guidance on overtime and TOIL would be published.

Councillor A P Jackson agreed that the term, “exceptional circumstances” would require definition, e.g. Saturday morning during peaks of work, staff on sick leave requiring work to be covered. He commented that it was not possible to add the unknown.

The Director of Internal Services commented that society lived in a 24/7 environment and he would not expect to pay more for an item of shopping at 2 am than at any other time.

After being put to the vote, the Panel did not support the Officer’s recommendation and this was declared LOST. A motion to defer the matter was CARRIED.

RESOLVED – that the report be deferred to enable Officers to review the matter further and report back.

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(Councillor M Wood abstained from voting on a recommendation that TOIL be reduced to flat rate).

14 IMPLICATIONS OF THE CHANGING THE WAY WE WORK PROGRAMME (INFRASTRUCTURE AND FINANCE)

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The Secretary to the Staff Side submitted a report

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expressing staff concerns about expenditure proposals relating to the refurbishment of Wallfields, the implementation of home and remote working and how cost savings would be achieved. The report now submitted, sought reassurances to allay staffs concerns about compulsory redundancies and that C3W would not exacerbate the Council's financial position.

The Secretary to the Staff Side commented that there were still concerns about costs and savings, in that it was difficult to see how the C3W programme would achieve the level of savings suggested, without the need for redundancies. She commented that there was a limit on what could be achieved from efficiency and increases in productivity. No detailed analysis had been provided about how the savings would be applied to East Herts. She referred to the additional IT costs which were said to achieve £3,000,000 in savings. This was not felt to be feasible. Assurances were sought that the savings would not be achieved as a result of redundancies.

The Director of Internal Services commented that the intention was about achieving value for money and that turning productivity into cash savings was about shrinking the size of the organisation and this would be the main saving. He commented on staff turnover at 8-10% each year and on the savings which would be achieved from "natural wastage" over a three year period. He stated that compulsory redundancies would only be a final recourse. The Director of Internal Services commented on pressures from Central Government to continually make savings whichever party was in control. The Director of Internal Services commented that by making these changes now, the Council was preparing itself for the future. He urged the Staff Side to see the C3W programme not as "a trigger for redundancy", but for avoiding redundancy.

The Director of Internal Services commented that more than 100 employees wanted to work from home and he hoped that many others were "enthused" about working from home and the prospect of change.

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Councillor A P Jackson commented that he was mindful of the pressures on local government and the changing environment over the next three years and that he had asked Officers to manage how the Council could arrive at a strong financial base. He commented that there could be a 20-30% reduction in grants and income streams according to comments from the Prime Minister recently. He stated that the Council would always look towards working efficiently and effectively and that would mean considering whether jobs needed to be filled or managed. He commented that it was not true to say that compulsory redundancies would never occur, but the Council was trying to manage the situation so that this possibility was reduced. Councillor A P Jackson commented that C3W would help the Council manage the process of change and would give the Council some control.

The Secretary to the Staff Side commented that some people viewed working from home as the lesser of “two evils” when faced with a long commute. She commented on the loss of team spirit in Revenues when the team would be split and commented that the banter between staff (acting as a release from stress) and the daily social interaction would be gone. She commented that there was already a divide in the office between staff who had chosen to be office based and those who wished to work from home. Office based staff were concerned about additional tasks which might fall to them which would routinely fall to all Revenues staff. The Secretary to the Staff Side commented that staff had been placed in a position where they had no choice and that this was also affecting staff at Hertford.

The Staff Side commented on the concept and timing of “FISH” and the principle of “being there” for customers. A member of the Staff Side commented that staff would be like “ships which pass in the night”.

Councillor A P Jackson commented that many staff worked away from the office, but this did not affect the team spirit.

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The Secretary to the Employer’s Side commented that the Home Working Policy detailed support available to staff on team building, working remotely and isolation.

RESOLVED – that (A) the report be noted; and

(B) further information on achieving cost savings as a result of changing the way we work be provided and reported back to staff at the next Local Joint Panel.

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15 HEALTH AND SAFETY AUDIT

The Risk Assurance Officer reminded the Panel that compliance with health and safety legislation and common law expectations had in the past, been applied inconsistently across the Council. Zurich Risk Services had been commissioned to undertake an audit of the Council’s health and safety practices in September 2008. The report and Action Plan now submitted, provided a six monthly update and a summary of action taken to date.

The Risk Assurance Officer commented that the Health and Safety Policy and Risk Assessment Procedures had been revised and were being circulated for consultation. It was hoped that this could be rolled out in the New Year. He commented that generic risk assessments had been produced and all employees would be consulted in due course. This would be trialled shortly.

The Risk Assurance Officer commented that Workstation Assessors and Safety Liaison Officers had been recruited but that there were still shortages.

RESOLVED – that (A) the update be noted; and

(B) a further update be submitted to the Local Joint Panel in six months.

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16 DATE OF FUTURE MEETING

RESOLVED – that the next meeting of the Local Joint Panel be held on 2 December 2009 in the Council Chamber, Pegs Lane, Wallfields, Hertford.

The meeting closed at 4.00 pm.

Chairman	.....
Date	.....