

EAST HERTS COUNCIL

LOCAL JOINT PANEL – 2 DECEMBER 2010

REPORT BY INTERIM HEAD OF PEOPLE AND ORGANISATIONAL SERVICES

CHANGES TO THE CONSTITUTION

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To respond to the removal of the default retirement age.

<u>RECOMMENDATION:</u>
To agree the amendments to the Local Joint Panel Constitution

1.0 **Background**

This purpose of this report is to outline the proposed changes to the Local Joint Panel Constitution for consideration by the Committee.

1.1 Both the Council and UNISON have recognised that the current dispute resolution procedure within the constitution is too brief as it progresses straight from the Panel not agreeing a recommendation to outside arbitration. This does not allow for full negotiation and exploration of the issues internally and creates a 'one size fits all' system whereby all disputes, from trivial to serious are expected to be escalated to an external body for decision.

2.0 **Report**

2.1 **Current practice**

2.1.1 Under the current constitution matters in dispute are automatically escalated to either and independent arbitration such as ACAS or

the Joint Secretaries of the East of England Region (See Essential Reference Paper B for current constitution)

2.1.2 In situations where the dispute is related to key terms and conditions of employment this process is valid, however with more trivial disputes it is not beneficial or time efficient.

2.2 **Proposed changes**

2.2.1 Changes to the dispute resolution element of the constitution have been drafted in order to address the issues raised in section 2.1. The changes are set out in Essential Reference Paper C attached to the report now submitted.

2.2.2 Whilst sharing common purpose and aspirations, it is recognised by all parties that at times, the Council and the Trade Union may have differing interests and views. Whilst there will be mutual respect for differing viewpoints, all parties will commit to work together to address these through discussions and possible compromises, so that an effective agreement as to the way forward can be reached whenever possible.

2.2.3 The amendments to the Constitution have been devised with UNSION to encourage this partnership working approach. Matters will normally only go forward to the Local Joint Panel with prior agreement from both parties.

2.2.4 In the event that agreement cannot be reached, the Local Joint Panel being unable to arrive at an agreement or the relevant Council body disagreeing with the Panel's recommendations, then the matter in dispute will be referred back to the HR/UNISON meeting for resolution within a timescale agreed by the committee. Where a resolution has not been reached both parties should report to the committee on progress and steps that have been taken to reach resolution. This will ensure that matters are not escalated to outside bodies prematurely but can be resolved through negotiation.

2.2.5 Serious disputes that can not be resolved through this process and which could have an impact on the contract of employment can be referred to an independent body or the Local Joint Secretaries. However it is hoped that the need for this step will be minimised by the commitment to resolution outlined above.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within Essential Reference Paper 'A'. attached to the report now submitted.

Background Papers

None

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ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives:	Fit for purpose, services fit for you <i>Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.</i>
Consultation:	UNISON have been consulted on the changes
Legal:	As detailed in the report
Financial:	As detailed in the report
Human Resource:	As detailed in the report
Risk Management:	As detailed in the report

Extract from current Local Joint Panel Constitution:

- (f) No recommendation shall be regarded as carried unless it has been approved by a majority of the members present on each side of the Local Joint Panel, and in the event of either the Local Joint Panel being unable to arrive at an agreement or the relevant Council body disagreeing with the Panel's recommendations, then the matter in dispute should either be referred:
- (i) to an independent arbitrator acceptable to both sides, such as ACAS, in order to secure an agreement, or
 - (ii) to the Joint Secretaries of the East of England Regional Council, should the dispute concern conditions of service, to advise/mediate.

The decisions of the bodies referred to above will be binding on both sides.

Proposed changes to Local Joint Panel Constitution

The full constrictio*n* has been included for completeness. The amended sections (6f and 6g) are marked in italics

LOCAL JOINT PANEL

(Comprising 4 Members of the Council and 4 representatives of employees drawn from the constituent trade union (currently UNISON), with substitutes)

CONSTITUTION, POWERS AND DUTIES

1. Title

The Committee shall be called the "Local Joint Panel".

2. Representation

The Local Joint Panel shall comprise of the 4 Members of East Herts Council to be appointed annually by the Local Authority and an equal number of employee representatives.

Named substitute members may be appointed by the employee side, to attend meetings of the Local Joint Panel in the absence of a member thereof provided prior notice is given to the Head of Democratic and Legal Support Services.

If a member of the Local Joint Panel ceases to be a member or employee of the Local Authority he/she shall thereupon cease to be a member of the Local Joint Panel; any vacancy shall be filled by the Local Authority, the organisation or the combination of organisations concerned.

3. Chairman

A Chairman and a Vice-Chairman shall be appointed by the Local Joint Panel at its first meeting in each year. If the Chairman appointed be a member of the Local Authority, the Vice-Chairman shall be appointed from the employee side, and vice versa. The Chairman of a meeting may vote as a Panel member but shall not have a casting vote.

4. Officers

The Head of People and Organisational Development of the Local Authority shall act as Secretary to the Employer's Side.

5. Functions

The functions of the Local Joint Panel shall be:

- (a) To establish regular methods of consultation and negotiation between the Local Authority and its employees on matters of mutual concern with the intent of maintaining and developing an efficient service. This process will aim to address differences should they arise. No question of an individual's discipline, promotion, or efficiency or conditions of employment shall be within the scope of the Joint Panel;
- (b) To consider any relevant matter referred to it by a Committee of the Local Authority, or by any of the employee organisations;
- (c) To make recommendations to Human Resources Committee and/or a suitable Committee of the Local Authority as to the application of the terms and conditions of service and the education and training of employees of the Authority;
- (d) To discharge such other functions specifically referred to the Local Joint Panel with the exception of staffing issues;
- (e) To consider matters relating to Health and Safety at Work referred to the Local Joint Panel by the Employee Associations or by a Committee of the Local Authority.

6. Rules and Regulations

- (a) The Local Joint Panel shall meet during office hours as and when required, but not less than quarterly. The Chairman or Vice-Chairman may direct the Secretary to call a meeting at any time. A meeting shall be called within seven days of the receipt of a requisition signed by at least two members of either side. The matters to be discussed at any meeting of the Local Joint Panel shall be stated upon the notice summoning the meeting.
- (b) The quorum of the Local Joint Panel shall be two representatives of each side.
- (c) Either side will have the right to co-opt, in a consultative capacity, representatives of particular sections affected by a question under discussion which are not directly represented on the Panel but only for the period during which the relevant question is under consideration.
- (d) Either side shall arrange for the attendance in an advisory capacity of an Officer or Trade Union Official at any Panel meeting where it would be helpful to the business under discussion.
- (e) Attendances at (c) and (d) shall be notified in advance to the Head of People and Organisational Development in their capacity as Secretary to the Employer's Side.

- (f) *Recommendations should reach the LJP with the prior approval of People and Organisational Services and UNISON.*
- (g) *No recommendation shall be regarded as carried unless it has been approved by a majority of the members present on each side of the Local Joint Panel. In the event of either the Local Joint Panel being unable to arrive at an agreement or the relevant Council body disagreeing with the Panel's recommendations, then the matter in dispute should be referred back to the HR/ UNISON meeting for resolution within a timescale agreed by the committee. Where a resolution has not been reached both parties should report to the committee on progress and steps that have been taken to reach resolution.*

Serious disputes that can not be resolved under paragraph G, and which could have an impact on the contract of employment should be referred to either:

- (i) an independent arbitrator acceptable to both sides, such as ACAS, in order to secure an agreement, or*
- (ii) the Joint Secretaries of the East of England Regional Council, should the dispute concern conditions of service, to advise/mediate.*

The decisions of the bodies referred to above will be binding on both sides.

- (h) The proceedings of any meeting of the Local Joint Panel shall be recorded and reported at the appropriate Council Meeting, but before submission, the Minutes shall be approved by the Head of Human Resources acting as Secretary to the Local Joint Panel and the person nominated by the staff side to act as its Secretary.