

MINUTES OF A MEETING OF THE
 LOCAL JOINT PANEL HELD IN
 ROOM 27, WALLFIELDS, PEGS LANE,
 HERTFORD ON TUESDAY 13 JUNE,
 2006 AT 2.30 PM

PRESENT: Employer's Side

Councillor A P Jackson (in the Chair)
 Councillors M R Alexander, Mrs M H Goldspink
 (substitute for M Wood), L O Haysey

Staff Side (UNISON)

Robert Ball, Fiona Brown (substitute for Chris
 Cooper), Jane Sharp, Andy Stevenson

OFFICERS IN ATTENDANCE:

Gerald Balabanoff	- Interim Director of Organisational Development
Lorraine Blackburn	- Committee Secretary
Rosemary Jones	- Human Resources Officer
Tina Nash	- Head of Human Resources

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman commented that he hoped the Employers' Side and the Staff Side could work together but that he had become frustrated by the amount of Council business which was being discussed in the media. He felt that this had affected his faith and trust in being able to work with everyone. He hoped that both sides could work together to discuss issues and problems.

ACTIONRECOMMENDED ITEMSACTION2 LOCAL JOINT PANEL (LJP): CONSTITUTION

The Director of Corporate Governance submitted a report setting out the powers and duties of the LJP's constitution. It was noted that the constitution was last revised in December, 2001 shortly after the new Executive arrangements came into force. It had not been revised since.

The Staff Side commented that in view of internal staff changes, the LJP's constitution be amended. Specifically:

Paragraph 4 - "Officers" – the deletion of the title Assistant Director (Human Resources) and the insertion of "Head of Human Resources".

Paragraph 5 – "The functions of the Local Joint Panel" (c) 1st line – the deletion of "to make recommendation to the Council via the Executive" and insert "to make recommendations to Human Resources Committee".

Paragraph 6 – "Rules and Regulations (g) 4th line – the deletion of the "Assistant Director (Human Resources)" and the insertion "Head of Human Resources".

The Panel supported the amendments as now detailed.

RECOMMENDED – that the amendments to the Constitution, as now submitted, be approved.

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3 REVISED VERSIONS OF THE FOLLOWING HUMAN RESOURCE POLICIES AND PROCEDURES; (A) AGE DISCRIMINATION LEGISLATION OVERVIEW; (B) CAPABILITY; (C) DISCIPLINARY; (D) ABSENCE MANAGEMENT (E) ENDING OF FIXED TERM CONTRACTS (G) GRIEVANCE

The Secretary to the Employer's Side submitted a report detailing a number of revisions to a number of Human Resources Policies following agreement between the Staff Side and the Employer's Side.

It was noted that over the last few years there had been a number of new Acts of Parliament which had placed statutory obligations on employers and these had not been incorporated into existing documents nor had policies been issued to address certain new legal requirements. It was also unclear which version of a policy was most current and which had been adopted. The Council was therefore at risk of a challenge.

It was noted that the Employer's Side and UNISON had failed to agree on:

- Appeal Rights, which had been agreed at full Council on 17 May 2006;
- Human Resource support for Managers at hearings.

(A) Age Discrimination Legislation Overview

It was noted that this would come into effect on 1 October 2006. Clarification was sought from the Staff Side regarding the issue of retirement age and the issue of compulsory retirement at 65. The Employer's Side commented that interim arrangements were in place. It was noted that no one at East Herts would be affected whilst the interim

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arrangements were in place. One individual would be 65 next April / May 2007 when the full legal requirements would be in place.

Advice was presently being sought in relation to age related redundancy criteria.

(B) Capability Policy and Procedures

The Chairman commented that in relation to paragraphs 8.2 and 8.3, there was a need to be objective and requested that the paragraphs be amended to reflect this.

The Staff Side reiterated their concerns in relation to additional support to Managers to HR Officers. The Secretary to the Staff Side felt that it could be very intimidating for the employee who might feel “outnumbered”. Difficulties in getting all people to attend a hearing could also delay the process.

The Chairman commented that management also needed support during the process and to ensure the integrity of the system. The Interim Director commented that without additional support for management, a Tribunal might conclude that there had been a conflict of interest. It was noted that the new process outlined was accepted practice.

(C) Disciplinary Policy and Procedures

Paragraph 6.2 - the heading “Suspension” was deleted.

Paragraph 6.5 - the Employer’s Side explained that suspension was a neutral act because it did not prejudice the outcome of the investigation.

The Secretary to the Staff Side commented that the time limits in relation to written warnings had changed.

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Page 8.67 - the deletion of the word “Executive Director” was noted and its replacement with “Chief Executive”. It was noted that any other occurrences of “Executive” throughout the policies, should be replaced with “Chief Executive”.

The Chairman commented that all the policies would now be submitted to Human Resources Committee.

The Secretary to the Staff Side commented that the Staff Side were not in favour of Members not taking part in the Appeals Process.

RECOMMENDED – that (A) that the Staff Side’s position be noted in respect of the Appeal Process and the lack of Member involvement; and

(B) in noting (A) above, the Policies and Processes be approved.

RESOLVED ITEMS4 APPOINTMENT OF CHAIRMAN

Nominations were sought for the appointment of a Chairman for the Civic Year 2006/07. Nominations were received in respect of Councillors A P Jackson and M Wood. The nomination in respect of Councillor M Wood received the majority of votes cast. Therefore, Councillor M Wood was appointed Chairman for 2006/07. In the absence of Councillor Wood, nominations were also sought for a Member to chair this meeting. It was moved and seconded that Councillor A P Jackson be appointed Chairman for the meeting.

RESOLVED – that (A) Councillor M Wood be appointed Chairman for the Civic Year 2006; and

ACTION

(B) that Councillor A P Jackson be appointed Chairman for this meeting.

5 APPOINTMENT OF VICE CHAIRMAN

It was moved and seconded that Chris Cooper (UNISON) be appointed as Vice Chairman for the Civic Year 2006/07. This was agreed by the Panel.

RESOLVED – that Chris Cooper be appointed as Vice Chairman for the Civic Year 2006/07.

6 MINUTES AND MATTERS ARISING

The minutes of the meeting held on 16 January 2006 were submitted.

Minute 15(b) Health, Safety and Welfare Team

The Chairman commented that in the light of the Council's recent decision to introduce panels for non-key decisions, it was now felt that the suggestion that an Executive Member be requested to act as a "Champion" be held in abeyance.

RESOLVED – that the minutes of the meeting held on 16 January 2006 be signed by the Chairman as a correct record.

7 SAFETY COMMITTEE: MINUTES OF THE MEETINGS HELD ON 27 FEBRUARY AND 24 APRIL, 2006

The Minutes of the Safety Committee held on 27 February and 24 April 2006 were received.

RESOLVED – that the Minutes of the Safety Committee held on 27 February and 24 April 2006 be received.

8 APPEALS PROCESS

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The Secretary to the Staff Side submitted a report concerning the Council's decision of 17 May 2006 to allow for a right of appeal to the Chief Executive only in grievance and dismissal cases. The Secretary to the Staff Side expressed concern that the letter from UNISON to all Members had not been included with the Local Joint Panel papers. The main points of the letter were highlighted. The Staff Side welcomed a review of the procedures and stressed the need for Members to remain involved in the process as they were more independent from officers of the Council.

The Staff Side commented that staff would like an explanation why Members took the decision they did at the Council meeting on 17 May 2006. In the past, the Staff Side and Employer's Side had always been able to agree a way forward. This was the first time there had not been collective agreement on an issue. She commented that the decision had implications for staff contracts and was not conducive to good employer relations. The Staff Side felt that Members had voted along party lines on 17 May 2006, and not a single Conservative Member had voted in favour of UNISON's proposal. She commented that 91% of staff voting wanted Members to be involved in the process.

The Chairman commented that he believed that Members were more vulnerable and did not want to risk their involvement at an industrial tribunal. He commented that a consistent level of judgement needed to be applied in the appeals process. He questioned whether such a level of consistency could be achieved by having Members involved. He further commented that in business, managers took such decisions without the need for involvement of other parties who did not have operational responsibility and this worked well.

The Secretary to the Staff Side commented that the Jury System managed to maintain a level of consistency. She felt that a referral to an Industrial Tribunal was unlikely given that 98% of claims lodged were settled without

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recourse to a Tribunal. She questioned why Members had changed their recommendation from that made at Human Resources Sub Committee on 1 March 2006.

The Chairman commented that Members had had an opportunity to discuss it and felt that they should revert back to one of the three recommendations. He appreciated that the Staff Side did not like this decision.

The Staff Side referred to the fact that the consultation exercise had been suggested by Councillor A M Graham and the results of that exercise had not been taken into account.

The recommendation that the report be referred to full Council for noting fell when a vote was taken.

RESOLVED - that the report be noted.

(Councillor Mrs. M H Goldspink abstained from voting on a recommendation to refer the report to full Council.)

9 WORK LIFE BALANCE

The Secretary to the Staff Side submitted a report seeking an update of what progress had been made concerning the flexible working strategy which had initially been proposed in April 2005 and had been piloted in Revenue Services.

It was noted that a report had been submitted to the Local Joint Panel meeting in September 2005, when further information was sought before the scheme could be extended. Further information was also felt necessary by the Employers Side when the matter was reported to the LJP in January 2006.

The Secretary to the Staff Side commented that it had been anticipated that the scheme could be implemented in March 2006 but this had not been achieved.

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The Head of Human Resources commented that she had worked jointly with Chris Cooper on this initiative. There was now a draft flexible working policy and this would be submitted to the Flexible Working Group in July 2006. The report proposed a range of flexible working options.

The Interim Director of Organisational Development expressed his thanks to Chris Cooper for his efforts in moving the initiative forward. The Interim Director commented that much of the delay had occurred before he had personally arrived at East Herts but was happy to report that every effort was being made to get the initiative right.

The Chairman commented that he too was hoping that the policy would have a smooth passage. The Chairman queried the source of the input in relation to the Staff Side's report concerning consultation / legal implications. The Staff Side reported that it was UNISON's own view but she hoped that if an officer disagreed with the content, they would say so.

The Secretary to the Staff Side commented on the Chairman's opening remarks in relation to releases of information to the press and assured the Chairman that she never approached the press directly but she did confirm that there were occasions when she had been misquoted. She commented that it had always been the case that the Employer's Side and the Staff Side could work together. The Chairman accepted her comments but noted that several comments appeared to have been attributed to the UNISON Secretary which may or may not have been quoted accurately and suggested that, in future, rather than risk being misquoted it might be advisable to say nothing. He was happy that they were able to "clear the air" and move forward.

RESOLVED – that (A) the update on the Council's Work / Life Strategy be noted; and

ACTION

(B) a written progress report be provided by the Secretary to the Employers' Side at the next Local Joint Panel.

IDOD

10 DATES OF FUTURE MEETINGS

The Interim Director of Organisational Development referred to the need to re-arrange the dates of future Local Joint Panel Meetings in order to ensure that the reports of the Local Joint Panel complied with the deadlines for Human Resources Committee.

RESOLVED - that future meetings be rearranged as necessary.

The meeting closed at 3.35pm.