



Alison Stuart
Head of Legal and
Democratic Services

MEETING : LOCAL JOINT PANEL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 6 JUNE, 2018
TIME : 2.30 PM

MEMBERS OF THE PANEL

EMPLOYER'S SIDE:

Councillors E Buckmaster, J Goodeve, L Haysey and L Radford

Substitutes:

A Alder and Mrs D Hollebon

STAFF SIDE - UNISON

Ms F Brown, J Bruce, Mr S Ellis and Mr A Stevenson

Substitutes: J Francis

(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:
 - fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
 - fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
 - participate in any discussion or vote on a matter in which a Member has a DPI;
 - knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

Public Attendance

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If you think a meeting you plan to attend could be very busy, you can check if the extra space will be available by emailing democraticservices@eastherts.gov.uk or calling the Council on 01279 655261 and asking to speak to Democratic Services.

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AGENDA

1. Appointment of Chairman and Vice Chairman

2. Apologies

To receive apologies for absence.

3. Minutes (Pages 5 - 12)

To confirm the Minutes of the meeting held on 21 March 2018

4. Chairman's Announcements

5. Declarations of Interest

To receive any Members' Declarations of Interest.

6. Reports by Secretary to the Employer's Side

There are no reports from the Secretary to the Employer's Side

7. Reports by Secretary to the Staff Side

(A) Restructure Consultation Policy_(Pages 13 - 24)

8. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

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MINUTES OF A MEETING OF THE
LOCAL JOINT PANEL HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 21 MARCH 2018, AT 2.30 PM

PRESENT: **Employer's Side**

Councillors A Alder and L Radford

Staff Side (UNISON)

Mr A Stevenson (Chairman) and J Francis

ALSO PRESENT:

Councillor P Ruffles

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Vicki David	- Human Resources Officer
Kate Leeke	- Interim Head of Human Resources and Organisational Development

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GRIEVANCE POLICY – UPDATE

The Interim Head of Human Resources and Organisational Development submitted a report on a

revised Grievance Policy. The Human Resources (HR) Officer provided a summary of the changes which were needed to bring the policy up to date in terms of best practice and statute. She explained that consultation had been undertaken with UNISON and Leadership Team.

Councillor L Radford sought clarification of the removal of the timeframe with the insertion of wording “without unreasonable delay”. The HR Officer explained that the policy had been amended in line with ACAS best practice.

Councillor A Alder asked that the colour of the flow chart (showing the informal and formal grievance process) be reviewed as she felt the colour blue against black was difficult to read.

Councillor A Alder sought further information on how many grievances were lodged last year pro rota of staff. The Interim Head of Human Resources and Organisational Development explained that she did not believe the Council benchmarked the number of grievances lodged against numbers of staff employed, adding there were good informal processes in place to resolve issues at an early stage. She added that the formal process was available for staff if the informal process had not resolved the grievance.

The Interim Head of Human Resources and Organisational Development commented that staff needed to feel that there was a route to be heard if their manager was not hearing them. She undertook to provide the Members with grievance statistics.

The Panel Chairman commented that the role of UNISON in helping staff resolve grievances was vital, especially at the early stages. The Interim Head of Human Resources and Organisational Development said it was important to capture issues of concern early. She did not get the impression that there had been an increase in grievances being lodged.

The Panel recommended to Human Resources Committee, approval of the report, as now detailed.

RECOMMENDED – that (A) the Interim Head of Human Resources and Organisational Development provide Members with statistics on the number of grievances lodged; and

(B) the revised Grievance Policy as now submitted, be approved.

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RECRUITMENT, INDUCTION AND PROBATION POLICY

The Interim Head of Human Resources and Organisational Development submitted a report detailing a revised Recruitment, Induction and Probation Policy. The HR Officer explained that the new policy combined three existing policies: the Recruitment Policy, the Probationary Policy and the Employing and Managing Employees with Disabilities Policy. She provided a summary of the key changes to the policy and procedures.

Councillor L Radford referred to the possibility of “slippage” in terms of managing people from the viewpoint of probation reviews. The HR Officer referred to the probation procedure process set out within Essential Reference Paper “D” of the report

submitted.

The Panel recommended to Human Resources Committee, approval of the report, as now detailed.

RECOMMENDED – that the revised Recruitment, Induction and Probation Policy as now submitted, be approved.

17 **CLOSURE OF OFFICES ON CHRISTMAS EVE**

The Interim Head of Human Resources and Organisational Development submitted a report inviting Members to support approval of a Policy Statement on the closure of the Council's offices on 24 December where Christmas day fell on a Tuesday and a recommendation that the Council's offices be closed on 24 December 2018.

The Interim Head of Human Resources and Organisational Development explained that this issue had initially been raised by a member of staff and had been discussed at Leadership Team. She explained that closure of the offices this year, on 24 December 2018 would be an enforced closure and that staff would have to save a day's leave (or take leave from a number of options suggested in the report) to accommodate the closure.

It was noted that Stevenage Borough Council (and who shared joint services with East Herts in terms of IT and Revenues and Benefits) had taken a decision to close on 24 December 2018, and that staff had been asked to use a half day's leave.

The Interim Head of Human Resources and

Organisational Development outlined the merits of the proposed closure in terms of health and wellbeing and a family friendly approach and the savings that would be achieved by closing the office. She explained that the issue of service delivery and emergency cover had been considered and could continue to be covered for the additional day. The Interim Head of Human resources and Organisational Development stated that by addressing the issue early allowed staff to plan for the closure.

Councillors A Alder and L Radford were concerned that the enforced closure would mean that the offices would be closed this year for five days and the impact this might have on the Emergency Team including the public perception of the five day closure. She queried whether this would also impact on New Year Bank Holiday arrangements.

The Panel Chairman shared Councillor Alder's concerns.

Councillor Alder suggested that staff could be encouraged to work by offering them double time payments. She explained that she felt that the suggestion to take a day's leave was "hard" on staff and the community and left her feeling conflicted.

The Interim Head of Human Resources and Organisational Development explained that staff had confirmed small footfall numbers over Christmas Eve and that, with advance communication notifying the public of the closure, expectations could be managed. On the issue of a suggested enhanced payment to staff to work on Christmas Eve, she explained that the

closure was on a normal working day, rather than on a day when enhanced rates might apply. The proposal being made was cost neutral to the Council in terms of the pay bill.

The Interim Head of Human Resources and Organisational Development assured the Panel that with advance notification, expectations could be managed.

The Panel recommended approval of the report, subject to confirmation by Officers that:

- appropriate and sufficient arrangements be put in place in terms of emergency cover over the five day holiday period; and**
- the public be provided with advance notification of the proposed closure and given assurances in terms of continuity of service, should an emergency arise during the closure of the offices over the Christmas period.**

RECOMMENDED – that subject to:

- confirmation that appropriate and sufficient arrangements be put in place in terms of emergency cover over the five day holiday period; and**
- assurances being provided that the public would receive advance notification of the proposed closure and given assurances in terms of continuity of service should an emergency arise during the closure of the offices over the Christmas period;**

(A) the Policy Statement on the closure of Council offices on 24 December where Christmas day falls on a Tuesday be approved; and

(B) the Council offices be closed on 24 December 2018 and staff be required to take time off.

18 APOLOGIES

Apologies for absence were submitted from Councillors E Buckmaster, L Haysey, and G McAndrew. Councillor A Alder was substituting for Councillor L Haysey. Apologies were also submitted from Ms F Brown, Ms J Bruce and Mr S Ellis. Ms J Francis was substituting for Ms F Brown.

19 MINUTES

RESOLVED - that the Minutes of the meeting held on 29 November 2017 be confirmed as a correct record and signed by the Chairman.

The meeting closed at 3.15 pm

Chairman
Date

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EAST HERTS COUNCIL

LOCAL JOINT PANEL COMMITTEE – 6 JUNE 2018

REPORT BY SECRETARY TO THE STAFF SIDE (UNISON)

RESTRUCTURE CONSULTATION POLICY

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- Members are invited to approve the new restructure consultations policy

<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL: That: Human Resources committee be advised that :</u>	
(A)	Local Joint Panel recommend approval of the new restructure consultations policy

1.0 Background

1.1 Following a number of restructure consultations UNISON suggests that it would be useful to introduce a policy to enable managers to conduct future restructure consultations within a standard framework. No restructure consultation policy currently exists and at present, managers have no written guidance document for this process and rely instead on their own initiative and general advice from Human Resources.

2.0 Report

2.1 The policy has been devised to enable a fair and transparent restructure consultation process to be conducted to ensure

compliance with best practice. It is important that the Council remains committed to full and meaningful consultation with UNISON and its employees and any change proposed should cover the proposals, the rationale for the proposed and the proposed process for any change. There should be adequate time allowed for UNISON and affected employees to properly consider the proposals and for management to fully consider any alternatives suggested to facilitate “buy in” of a proposed change. This will necessitate management setting aside sufficient time to consider any and all observations and objections and to fully consider any alternative proposals put forward.

- 2.2 It is not within the scope of this document to consider the legal implications of consultation but to provide guidance to those initiating restructure consultations and key stages to be reached in sequence that UNISON believe will help all parties understand how they can participate and contribute more effectively and be able to manage and accept the process of change.
- 2.3 The policy enshrines the principles of genuine consultation and productive debate and also recognises the Council’s right and requirement to manage itself effectively and efficiently.
- 2.4 The policy will help to reassure staff and UNISON that points, suggestions and even objections can be processed as the consultation is conducted and also at its conclusion. It will provide reassurance that the process is being managed effectively and fairly to ensure consistency, legal compliance and good practice.
- 2.5 The policy includes a mechanism whereby if, or when, a restructure concludes that staff strongly object, rather than trigger a dispute, the restructure conclusion can be presented to Local Joint Panel for their observations with a recommendation to Human Resources Committee.

- 2.6 In order to try and reduce workloads on the HR team and UNISON volunteers, the policy suggests that restructures should be limited such that only one is attempted at any one time (e.g. within three months) to allow new processes to embed, manage change and to assess the impact of the new process on the Council and on staff. It will also reduce “restructure fatigue”.
- 2.7 In 2016 management embarked on a number of departmental restructure consultations some of which were not controversial and had little or no impact on staff, but UNISON objected to three restructure consultations – Planning, Democratic Services and Housing and Health. UNISON and staff objections were ignored with what UNISON considers have been subsequent negative consequences.
- 2.8 The objections were partly due to what staff and UNISON considered as uninformed or badly thought through changes largely conducted by managers with no understanding or professional knowledge of the service area or distinct specialism.
- 2.9 UNISON considers that staff (often professionally trained and qualified staff) are the ultimate source of knowledge of their own field of expertise. Generic managers should recognise this intrinsic knowledge held by staff in these situations. If management have very strong reasons for change, the proposed decision should at least be subject to scrutiny
- 2.10 A review in planning and to a lesser extent in Legal and Democratic services (2016) where staff and UNISON engaged with the consultation and submitted ideas, suggestions, clarifications to (factual) errors made by management and constructive criticism. In both these departmental restructures staff felt very aggrieved that they were disenfranchised and ignored and that detrimental changes were arbitrarily implemented. The difference with these restructure consultations is that managers did not suggest a 6

month restructure review.

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'**.

Background Papers - none

Report Author and

Contact Officer: Andrew.stevenston@eastherts.gov.uk

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives (<i>delete as appropriate</i>):	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	<i>Meetings with the Head of Human Resources prior to her leaving in February/March 2018 have been held.</i>
Legal:	<i>n/a</i>
Financial:	<i>n/a</i>
Human Resource:	
Risk Management:	<i>n/a</i>
Health and wellbeing – issues and impacts:	<i>n/a</i>
Equality Impact Assessment needed	<i>n/a</i>

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Essential Reference Paper "B"

East Herts Council

Restructure Consultations Policy

Policy Statement No 1 (Issue No 1) October 2017

Policy owner: UNISON

Date of last review: October 2017

Date of next review: October 2020

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1.1 **Introduction**

The council will from time to time initiate consultations with UNISON and staff for the purposes of creating changes to the structures of the councils departments. In order to efficiently and effectively implement changes it would be necessary to consult affected staff in order to understand their views on the changes and to provide to the staff sufficient information in order that staff can make informed responses.

1.2 There are benefits to both the council and the employee which include:

- Improved efficiency and productivity
- Improved recruitment and retention of employees
- Increased goodwill, morale and motivation of employees
- Supports the council's Equality and Diversity policy
- Supports the councils aspirations for investors in people

2.0 **Scope**

2.1 This policy and guidance applies to all who are considering engaging in a consultation including managers, HR and UNISON

3.0 **Business Need**

3.1 ?

4.0 **Definitions**

4.1 For the purpose of this policy and guidance a consultation can be defined as:

4.2 **Restructure consultation**

This is where a manager eg a head of service or director would suggest a fundamental change to the way a service or a team of people delivering a service provides that service. This could include a material change to the service such as increasing or decreasing the size scope and nature of a service. It could include the introduction of an entirely new service. It could include recruitment of new individuals and also redundancies of individuals.

5.0 **The Process for commencing restructure consultation**

- 5.1 The need for a restructure is identified by a manager.
- 5.2 Senior managers or senior affected staff that would be directly affected by the consultation would be able to contribute, including their views in brief, stating whether they would support or not support the consultation. Their comments would be appended to the originating managers' report.
- 5.4 A draft report is submitted by the originating manager to leadership team (LT)
- 5.5 Leadership Team agree that the restructure can proceed or alternatively suggest changes and proceed or confirm that the consultation and restructure should not proceed.
- 5.6 UNISON and HR are asked for their initial input (if LT suggest it should proceed). Full details should be provided to UNISON and HR including timings costings and details of how the restructure will contribute to councils corporate priorities.
- 5.7 UNISON and HRs initial comments are incorporated into the managers consultation document

- 5.8 The consultation is then initiated as per current HR procedure with a 30 day consultation period. UNISON is provided with a fully costed estimate of the proposal if for example only a limited amount of information was originally submitted to UNISON.
- 5.9 The current procedure is followed during the 30 day period. UNISON could consult with staff for their views. One to ones are arranged with staff. UNISON can request additional details of the prepared estimates during this period and their requests should be granted without delay.
- 6.0 5 days before the end of the consultation period, UNISON will meet with the owner of the consultation to enable a consensus to be formed. It should be able at this meeting for UNISON to be able to be satisfied that the proposal is workable and acceptable. If the proposal is either unworkable and / or unacceptable the parties should try and reach a compromise.
- 6.1 UNISON provide to the manager and HR a written statement detailing the branch opinion and if required a conclusion statement which would form part of the final report documentation that the manager submits to LT.
- 6.2 The manager presents the outcome of the restructure consultation and their conclusion report to LT. UNISON would have the opportunity to present their view to LT at the same meeting
- 6.3 Leadership team would review the documentation and comments from management and UNISON (and HR if they have submitted any comments) and formally report back in writing to all parties on their conclusion
- 6.4 In the event that UNISON disagree with LTs decision UNISON would present their views to the next local joint panel (LJP)

- 6.5 No more than one consultation would be attempted at any one time and an agreed minimum period of time between consultations should elapse in order that UNISON, Managers, HR etc. can properly resource the exercises.
- 6.6 The policy could be reviewed after 6 months by UNISON, Managers and HR to check its efficiency and performance.