LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.30 pm on 14 July 2011

Present:

Employer's Side	Staff Side and Departmental Representatives
Councillor Russell Mellor (Chairman)	Kathy Smith (Unison) (Vice-Chairman)
Councillor Nicholas Bennett J.P.	Glenn Kelly, Staff Side Secretary
Councillor Eric Bosshard	Max Winters, Children and Young People Services
Councillor Stephen Carr	
Councillor Tony Owen	
Councillor Colin Smith	
Councillor Diane Smith	
Councillor Michael Turner	

23 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

An apology for absence was received from Councillor Turner.

24 APPOINTMENT OF A CHAIRMAN AND A VICE-CHAIRMAN

RESOLVED that

(a) Councillor Russell Mellor be appointed Chairman of the Committee for the remainder of the 2011/12 municipal year; and

(b) Mrs. Kathy Smith be appointed Vice-Chairman of the Committee for the remainder of the 2011/12 municipal year.

25 DECLARATIONS OF INTEREST

Councillors Nicholas Bennett, Russell Mellor, Tony Owen, Colin Smith and Diane Smith made a declaration of interest in that they were members of the Local Government Pension Scheme.

26 MINUTES FROM THE PREVIOUS MEETING OF LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 10TH MARCH 2011

It was noted that Mr. Max Winters attended that last meeting of the Committee but had been omitted from the list of those present.

RESOLVED that, subject to the change set out above, the minutes of the meeting of the Committee held on 10th March 2011 be agreed.

27 MATTERS ARISING

Minute 17 – Car Parking Fees

The Assistant Chief Executive (HR) advised that the proposal for car parking fees had not yet been formulated by the responsible officer, the Director of Resources. When the proposal had been completed it would be circulated for consultation to the Staff-side and the Trade Unions after which the Director of Resources would submit the report to the Committee for consideration.

Minute 18 – Library Fundamental Review

The Staff-side Secretary requested that the Leader of the Council permit him to speak on the above subject on behalf of the staff at the meeting of the Executive on 20th July 2011. Councillor Carr responded that he would be happy for Mr. Kelly to speak at the Executive but noted that, as it was not normal protocol to allow people to address the Executive in this way, there would be no right of reply, no two-way discussion and Mr. Kelly would limit himself to two minutes of speech.

Minute 21 – Ill-Health Procedures

The Assistant Chief Executive (HR) referred the Committee to the paragraph set out on the agenda which read:

As discussed at the last meeting of the LJCC, the Assistant Chief Executive (HR) considers that the procedure is being applied appropriately, and has yet to receive details of the dozen or so cases that the Staff-side Secretary considers would indicate otherwise. However, the Staff-side Secretary's concerns are noted, and the Assistant Chief Executive (HR) would therefore recommend that the requirement for a manager to take a written recommendation for action to the Chief Officer be deleted from the procedure. This will reinforce the Chief Officer's discretion to consider the full range of options available under the procedure including a further review period, redeployment or dismissal.

A Procedural Issue

Councillor Bennett noted that, the lack of information in relation to the headings on the agenda was not helpful and other Employer's-side members agreed. He requested that either a report be attached to the agenda in relation to each heading or an explanatory paragraph on the agenda.

28 PENSIONS

In relation to proposed Government changes to the Local Government Pension Scheme, the Staff-side Secretary noted that local authorities had not been involved in the consideration of the current proposals. However, although not formally consulted, all local authorities had the right to comment

on the proposed 50% increase in pension contributions, the increase in the minimum age a person could receive a pension and a reduction in pension benefits. It had been forecast that up to 50% of members may leave the scheme. The Local Government Pension Scheme was the eighth largest scheme in Europe and if this amount of contributors left the impact on the scheme would have a very detrimental effect on the UK economy. The Staff-side Secretary asked if the Council had commented on these proposals and requested details of any response.

The Assistant Chief Executive (HR) advised that the proposals had been publicly stated in the Hutton Review and when the Council received the Government's response, the full impact of the proposals would be understood.

The Chairman underlined that the Council was limited in what it could do as the Local Government Pension Scheme was a statutory scheme, and the Council was governed by the Regulations.

The Committee noted that the Council had made some representations as issues had been discussed with appropriate Members of Parliament such as an exchange of views and a realisation of the changes.

The Staff-side Secretary stated that he did not accept that the present Local Government Pension Scheme was unsustainable, and he advised that the Council's Pensions Investment Sub-Committee shared that view. It was important to maintain the level of contributors to the scheme and when scheme specific consultations commenced, he expected the Local Authority to express a view.

29 PAY AWARD 2011

The Staff-side Secretary advised that he had not requested this item to be on the agenda therefore the subject was not discussed.

30 SINGLE STATUS APPEAL PROCESS

The Staff-side Secretary outlined the extensive process taken to negotiate the Single Status deal, and he explained in detail the Single Status appeals process highlighting that the Employer's-side could impose a right of veto which gave an unfair advantage to management in considering an appeal.

At an appeal the appellant's manager was supported by a HR officer. The appellant could also be supported and a technical adviser could be invited to attend an appeal. It was noted that technical adviser had previously appeared at an appeal without the agreement of both the parties. The technical adviser been identified as a member of the original Single Status negotiating team and therefore could not be considered unbiased. The Staff-side Secretary felt that an agreed list of approved technical advisers should be drawn up.

The Staff-side Secretary highlighted the fact that according to current procedures the appeals panel was the final arbiter and, within the procedure, there was no further right of appeal. In one case a group of Carelink workers had achieved an upgrade. After the appeal panel, the technical adviser had visited the Adult and Community Services Director to report that some of the information heard in the appeal had been, according to the technical adviser, inaccurate. This matter was now under consultation and did not reflect a fair process; either both sides should have the right to reopen the appeal against the decision of a panel or neither. The Staff-side Secretary requested that management undertake consultation with the trade unions and the staff-side on this issue.

The Assistant Chief Executive (HR) agreed to involve the Staff-side Secretary in consultation of this matter which was already being discussed with the trade unions. The decision to revisit the Carelink case had been considered carefully. He felt that panel decisions should be based on accurate information and the right of reopen appeal should be limited to what was fair. He wanted to guard against abuse of the single status appeals procedure by both sides.

The Assistant Chief Executive (HR) explained that Barbara Plaw had been the technical adviser involved as an expert on the job evaluation process she was able to give advice on procedural matters. On her advice, HR had consulted with the trade unions but had not imposed any decision on the employees in question. He assured the Committee that this action had not been taken lightly as it had been an exceptional situation.

The Leader of the Council stated that it was most important that the final decision of appeals panels was correct and that both sides were treated equally.

The Vice-Chairman reiterated that the scheme had been agreed. The process stated that the panel's decision was final and the decision should be made on the information heard by the panel. The Vice-Chairman stated that there was no provision for the technical adviser to advise after the event or to go to management. Procedure should be adhered to in all cases.

A Councillor commented that if a decision was found to be based on inaccurate information it seemed reasonable to re-open the case. A decision should not stand on the wrong information. However, this should work both ways.

The Staff-side Secretary reiterated that the appeal panel had heard information presented by both sides, and neither side had suggested that the information had been inaccurate. The appeal panel had made a decision in line with the Council's procedure and the information considered but management had deviated from the procedure and were now asking for retrospective agreement. The Staff-side and the Trade Unions acted as advisers on this procedure and therefore should be kept informed of changes. Workers must feel that appeals would be fair and the technical adviser must ne seen as unbiased. There must also be a further appeals process available

for both sides. The current position could have easily been changed under consultation.

The Chairman commented that this was an ongoing debate.

The Vice-Chairman advised that more information was needed, for instance, how material the omission was. She was uncomfortable with picking apart the process but agreed that the original process needed refinements. She also advised the Committee that there had been no inaccurate information presented to the appeals panel around work currently undertaken by the appellants. The question that had been raised had been whether the appellants had been undertaking certain of those duties in 2007.

The Assistant Chief Executive (HR) agreed to report the outcome of discussions with the trade unions back to the Committee.

RESOLVED that feedback on the outcome of the consultation between management and the trade unions on possible changes to the single status appeal procedure be reported to a future meeting of the Committee.

31 SICKNESS PROCEDURES

Further to the last meeting of the Committee, the Assistant Chief Executive (HR) considered that the procedure was being applied appropriately. The Assistant Chief Executive (HR) also had yet to receive details of any of the cases that the Staff Side Secretary considered would indicate otherwise. However the Staff Side Secretary's concerns had been noted and the Assistant Chief Executive (HR) therefore recommended that the requirement for a manager to make a written recommendation for action to the Chief Officer be deleted from the procedure. This would reinforce the Chief Officer's discretion to consider the full range of options available under the procedure including a further review period, redeployment or dismissal.

The Staff-side Secretary advised that the recommendation set out in the agenda from the Assistant Chief Executive (HR) proved that he had been correct. A Human Resources officer was present at each hearing and so should be aware of what happens. He reiterated that there was nothing wrong with the current procedure and he disagreed with the proposals (as set out above). A manager may review and monitor sickness. When the manager had implemented all reasonable actions to reduce an individual’s sickness absence and had been unsuccessful, then the manager could seek the assistance of his/her senior manager. This would then be referred to a Chief Officer Panel. At a number of Panels a further review period had been requested as the preferred way forward. The Staff-side Secretary commented that this action was within the remit of managers so there should be no need for a Chief Officer hearing. A Chief Officer hearing should not be permitted to take place when all that was required was another review period. He did not accept the amendment to the procedure and asked management to continue with the present arrangements.

The Assistant Chief Executive (HR) commented that the procedure worked for the organisation. Sickness absence records had improved and he would like to see information relating to any case as outlined by the Staff-side Secretary as mentioned at the last meeting of the Committee.

The Chairman asked that the Staff-side Secretary and the Assistant Chief Executive (HR) meet to discuss this issue.

RESOLVED that this matter be deferred to a future meeting of the Committee.

32 DATE OF NEXT MEETING

The date of the next meeting of the Committee will be 21st September 2011.

The Meeting ended at 7.40 pm

Chairman

Vice-Chairman