



THE LONDON BOROUGH
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DATE: 17 October 2017

To: Members of the
LOCAL JOINT CONSULTATIVE COMMITTEE

Employer's Side

Councillor Russell Mellor (Chairman)
Councillor Nicholas Bennett J.P
Councillor Stephen Carr
Councillor David Cartwright QFSM
Councillor Simon Fawthrop
Councillor Kate Lymer
Councillor Ian F Payne
Councillor Michael Turner
Councillor Angela Wilkins

Staff Side and Departmental Representatives

Kelle Akala (ECS)
Alice Atabong (ECHS-Housing)
Duncan Bridgewater, (Chief Executives)
Jill Crawley (Unite)
Jackie Goad (Chief Executives)
Claire Harris (ECS-Planning)
Stuart Henderson (CEX-Registrars)
Mandy Henry (ECHS)
Sandra Jones (ECHS)
Nicola Musto (ECS)
Olumide Odubawo (ECHS)
Gill Slater (Unite Representative)
Kathy Smith (Unite)
Kirsty Wilkinson (ECHS-SEN & Disability Service)

A meeting of the Local Joint Consultative Committee will be held at Committee Room 1 - Bromley Civic Centre on **WEDNESDAY 25 OCTOBER 2017 AT 6.30 PM**

Rooms have been reserved for Members and the Staff Side to meet separately at 6pm before the meeting commences at 6.30pm. The Assistant Chief Executive (Human Resources) will be available from 6.00pm to brief Members.

MARK BOWEN
Director of Corporate Services

A G E N D A

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**

To record any declarations of interest from Members present.

3 MINUTES FROM THE PREVIOUS MEETING OF LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 20TH JUNE 2017 (Pages 5 - 10)

4 UPDATE FROM THE DEPARTMENTAL REPRESENTATIVES (Pages 11 - 14)

A web link to the update has been emailed out to both sides prior to the meeting.

The web link is: [Dream Organisation](#)

5 QUESTIONS ARISING FROM REPORT DHR15005--REVIEW OF EMPLOYEE REPRESENTATION ARRANGEMENTS (Pages 15 - 38)

Report DHR15005 (Review of Employee Representation Arrangements) was presented to the GP&L Committee on 26th March 2015.

Unite would like to ask the following questions based on the report:

Question 1:

Section 3.10 of the report notes:

'It is therefore proposed that a separate consultative/engagement forum for departmental representatives and a separate consultative/negotiation meeting with the trade unions are created'.

Unite would like to request an explanation of why a commitment to the GPLC and to staff has not been organised?

Question 2:

Section 5.3 of the report states:

'Ceasing of the existing arrangements will require some funding to be set aside for staff side/trade union work, so it is proposed that the £46,060 is held centrally within the Chief Executive's budget until officers know how much of this is required, and then the balance will be offered up as a future budget saving'.

Unite would like to ask how much of this money has been spent compensating departments for staff absences while carrying out Trade Union Duties--especially the Library Service that has had the vast majority of absences?

6 QUESTION ARISING FROM THE MATTER OF REPRESENTATIONS DISCUSSED AT THE MEETING ON 20TH JUNE 2017

Minute 60 of the meeting held on June 20th 2017 discussed the matter of 'Representations'.

In the minutes it reads that the Staff Side had asked if a review could take place to look at the way in which the Staff Side and Departmental Representative meetings were taking place, and if there was a possibility of a joint meeting.

Whilst not passed as a formal resolution, the Council Leader (Councillor Carr) stated that the matter of a review should be given serious consideration and that the Council should be seen to be acting in a reasonable manner.

Unite would like to ask if there has been any progress made, or time table set for this consideration?

7 DATE OF NEXT MEETING

The next meeting is scheduled for 5th December 2017.

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LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.00 pm on 20 June 2017

Present:

Councillor Russell Mellor (Chairman)

Councillor Stephen Carr

Councillor David Cartwright QFSM

Councillor Simon Fawthrop

Councillor William Huntington-Thresher

Councillor Kate Lymer

Councillor Michael Turner

Jill Crawley, Unite

Jackie Goad, Chief Executives

Nicola Musto, Environment and Community

Services

Gill Slater, Unite Representative

Kathy Smith, Unite

53 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillor Nicholas Bennett.

Councillor William Huntington Thresher acted as Alternate.

Apologies were received from Kirsty Wilkinson, Mandy Henry and Kelle Akala.

Apologies were also received from Cllr Ian F Payne and Councillor Angela Wilkins.

54 DECLARATIONS OF INTEREST

There were no declarations of interest.

55 MINUTES FROM THE PREVIOUS MEETING OF THE LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 23RD FEBRUARY 2017

The Vice Chairman referred to the comments that she had made at the previous meeting relating to the sickness procedure and to the resolution pertaining to the preparation of a report outlining deficiencies in the procedure. She stated that her comments were not meant to be an attack on the sickness procedure, but that she wanted to highlight that in certain circumstances she felt that the convening of sickness meetings were not appropriate or the best use of time and resources. She expressed the view that she had not had sufficient time to prepare a report.

It was agreed that the minutes could be signed as a correct record.

RESOLVED that the minutes be agreed as a correct record.

56 UPDATE FROM DEPARTMENTAL REPRESENTATIVES

The update from the Departmental Representatives was given by Jackie Goad.

A document had been provided by the Departmental Representatives, which was in colour and rag rated. The document updated the Committee concerning the progress made with the implementation of various improvements and actions that had been requested.

The Committee was pleased with the positive outcomes achieved by the Departmental Representatives.

Unite asked if they could be kept informed of any issues outlined in the report that were not addressed. Ms Slater asked for clarification of timescales where work was in progress.

The matter of the provision of funding for professional fees was raised. The Director of Human Resources explained that not all courses would be able to be funded. It would need to be clarified if the course in question was relevant to the work of the Council, and linked to Building a Better Bromley. It would have to be decided if any course under consideration could be funded by the Apprenticeship Levy. LBB had been funded with a statutory levy of £350k. There would be some scope to support exiting staff in addition to providing funding for apprenticeships.

Councillor David Cartwright noted that some professional qualifications were tax allowable.

Nicola Musto updated the committee concerning changes to LBB's smoking policy.

The existing wall ashtrays/bins would be removed. Signage would be installed to direct people to the new designated smoking areas. New shelters would be installed in the designated smoking areas.

Following a review of the LBB Civic Centre smoking locations, it had been agreed that the site would be supported with only two locations.

The locations would be:

- To the rear of the Council Chamber
- Area adjacent to the well at the perimeter of the St Blaise car park

The report was noted and the Chairman thanked the Departmental Representatives for all of their hard work.

57 COMMISSIONING

The Staff Side had asked the following question:

'In an update to the LJCC, the Director of Commissioning had previously stated that the delay in the implementation of the Cushman and Wakefield contract was because clarification had been required concerning the final pension agreement.'

The Staff Side allege that in a meeting with the Director of Culture, Renewal and Recreation and an Amey representative, it was stated that the delay in signing the contract was not related to pensions, but that there were additional problems that were not pension related.

The Staff Side are seeking clarification around what they perceive as statements that are conflicting.'

A written answer had been tabled from the Director of Commissioning:

'The issue was two-fold – but both issues were related to pensions.

1) Cushman and Wakefield thought that they had Admitted Body status to the LGPS, but late in the day they found out that they did not – specifically to make payments into Bromley Pensions.

The delay was primarily a procedural one of getting Cushman and Wakefield Admitted Body status from LGPS--which was obtained relatively quickly but took over a month. Consequently the decision was made to start Cushman and Wakefield on 1st December rather than mid-month.

2) Cushman and Wakefield also required a Bond, and as an American owned company this had to be approved by the American Board.'

The Staff Side expressed appreciation for the information that had been provided. Ms Slater commented that it would have been helpful to have received more information and clarity concerning the issue of the American Bond. The Vice Chairman wondered if all contracts required some sort of bond. Ms Slater expressed the view that another fundamental issue existed that had delayed the signing of the contract, aside from the pension agreement. She stated that TUPE processes should be clear and understandable. The Director of HR concurred with this.

The Chairman asked if there were any more issues that needed to be directed to the Director of Commissioning—there were none and so the matter was closed.

The Staff Side had asked a secondary question as follows:

'The Staff Side would like to request the publication of the full review of the Idverde contract.'

The Vice Chairman stated that she did not wish the commissioning questions to be heard by the Environment PDS Committee. She expressed the view that the matter was more suited to the LJCC, as it was a better forum for debate. She also commented that any dialogue with the Director of Environment and the Chairman of the Environment PDS Committee was welcome. The Chairman of the Environment PDS Committee (Councillor William Huntington Thresher) informed that at the next meeting of the Environment PDS Committee, members would be looking at annual reports on contracts, and that much of the information that the Staff Side were seeking may be detailed in the reports.

The Chairman explained to the Staff Side the process that they should follow in submitting questions to any PDS Committee. Councillor Huntington Thresher encouraged the Staff Side to submit questions to the PDS Committee, and assured that the PDS would be very interested to receive the questions.

RESOLVED that any issues relating to contract monitoring and to the Idverde contract be referred to the Environment PDS Committee.

58 RISK REGISTER

The previous suggestion from Councillor Simon Fawthrop that the Staff Side be informed when the Risk Register was going to be an agenda item on PDS meetings was noted.

It was further noted that the Staff Side had recently been informed that the Public Protection Portfolio Risk Register would be an agenda item at the next meeting of the Public Protection and Safety PDS Committee on June 29th. The Portfolio Holder for Public Protection and Safety looked forward to Staff Side representatives attending the meeting.

RESOLVED that the Staff Side be informed going forward of any PDS meetings where the Risk Register would appear as an agenda item, and that the clerk email all democratic services officers to this effect.

59 AUDIT CONTROLS (2016) REPORT

The Staff Side asked why the Audit Controls (2016) Report was only published on the Intranet, and not on the Internet.

A written answer had been prepared by the Head of Internal Audit which stated:

'The Audit Controls report was a slide presentation of 16 slides lasting about 30 minutes explaining the purpose, type of recommendations made and key findings with examples. The purpose was to promote awareness of audit issues without the need for a question and answer session and is available to

all staff. The decision during discussions with management was to put it on the Learning Hub of One Bromley.'

The answer from the Head of Audit was noted.

60 REPRESENTATIONS

The Staff Side had asked that consideration be given to Staff Side representation at the meetings of the Departmental Representatives. They expressed the view that they had been deliberately excluded from meetings with the Departmental Representatives, and this now meant that the only forum that they had for discussion was the LJCC. They asserted that when the Staff Side and Departmental Representatives had previously met together, the meetings were harmonious and good natured.

The Staff Side asked if a review could take place to look at the way in which Staff Side and Departmental Representative meetings were taking place, and if there was a possibility of a joint meeting.

The Director of HR commented that when a review of meeting arrangements had taken place in 2015, the Unions were consulted. He felt that the current arrangements were working well and were approved by Members. He added that separate meetings are also arranged with the unions without the departmental representatives. He gave examples of meetings with the unions without the departmental representatives. The Council Leader (Councillor Carr) stated the matter of a review should be given serious consideration and that the Council should be seen to be acting in a reasonable manner.

The Vice Chairman pointed out to the Committee that according to best practice guidelines from ACAS, a person (on the first occasion) should be able to get the representative of his/her choice if that request was reasonable. In response, the Director of HR said that Bromley Council has a very good representation arrangement which allows employees to be accompanied and represented by a person of their choice including a trade union representative, a departmental rep, a work colleague or a friend or family member. The Director of HR stated that he may be able to factor in a quarterly meeting with the Unions; the Vice Chairman responded that the Union would be glad to accept the offer of a regular meeting.

Ms Slater closed by informing that a review had not taken place for 2.5 years. She hoped that going forward, joint meetings could be arranged which would mean that in the future, not all Staff Side concerns would need to be raised at the LJCC.

Although the matter of a review was discussed, it was not passed as a formal resolution.

61 DATE OF NEXT MEETING

Local Joint Consultative Committee
20 June 2017

The date of the next meeting was confirmed as 10th October 2017.

The Meeting ended at 7.15 pm

Chairman

THEME	DATE RECEIVED	YOU SAID...	WE DID...	PRIORITY STATUS	POSSIBLE FUNDING REQ'D	TO BE COMPLETED BY
Working Environment	29.11.16	To be able to make card payments in the canteen	Meeting held with Over The Moon and agreed to install an electronic card reader. Over the Moon currently looking at costings for a dedicated line.			ND
	18.11.16	The cleaning of office accommodation has deteriorated and staff feel undervalued. We can't expect to recruit and retain quality staff when our working environment is in its current state.	Specific cleaning issues should be reported to the Amey Helpdesk. On going issues should be channelled through Dep Reps to raise.			ND
	23.11.16	Web conferencing equipment to be installed into all committee and meeting rooms to enable remote officers and partners to join meetings on-line and see presentations streamed live and attendees via webcam	The testing of the purchased test equipment is now underway. Initial trials indicate that the equipment works best in small environments (i.e. small committee rooms) but not so well in larger environments. Further options are being explored. Depending on exact requirements then it could cost up to £20k per room to equip them. The funding for this is currently being looked at, but first we need to find a selection of viable solutions depending on size / capabilities / requirements and integrate them into our systems. Laptop users can use the video conferencing capabilities in Lync, we have done this in ICT for small to medium meetings when people cannot attend. We are also looking at adding web cams to the catalogue where people do not have laptops but need video capabilities. On line meetings can be arranged through Microsoft Lync and Microsoft Outlook Calendar or alternatively through BT conferencing facility http://onebromley/BA/Pub_Res/Pub_ICT/Pub_ITS/Pub_BTConferencing/Pages/default.aspx Discussed at ICT Strategy Group 30/6, if funding required to be brought back to Dep Rep Forum for discussion, agreed a cultural change would be required to best utilise equipment investment		Y	MB
	14.02.17	Some provision for staff to access a telephone line is needed if the computers fail, chiefly to enable contact with IT to report faults. It is not satisfactory for staff to have to call a premium rate number from a personal mobile because the work phone only functions if the computer is working.	The number itself is not a premium rate number, however some providers charge a large surcharge to connect to 0844 numbers, which is not within our control however we have asked BT to look into this and at the various options for a number that would be included in most if not all inclusive minutes package from mobile providers. This also came up at one of the ICT strategy meetings which was passed to BT at the time. A response has yet been received so this will be followed up. It was reiterated at the ICT Strategy group that the number should be changed to either an 0800 number or one that is inclusive in mobile allowances such as 0300 - 30/6/17. MB/SE to raise with BT			MB/SE
	09.02.17	Review of civic site smoking/vaping areas and cigarette bins, as there is frequently a general congregation of staff and customers at main access points into the buildings. This has an impact on staff having to walk through the smoke/vape fumes, as well as smoke/vape drift into offices through open windows. A poor image of the Council is portrayed to visitors, wedding parties, children and the general population as the organisation does not proactively nor assertively discourage this practise.	A review of the current smoking areas and bins has been undertaken and suggestions were put forward at the Dep Rep meeting in May. It was agreed that two designated smoking sites will be allocated on the Civic Centre site and the cigarette bins removed from outside the main reception area. New smoking guidance sent out to all staff and awaiting the installation of two new smoking shelters.		?	
	NEW 10.07.17	The central courtyard of the Stockwell Building is not maintained, and has become overgrown with weeds. The central planting is also neglected, only consisting of 2 main shrubs and knee high grass. The entire Stockwell building looks out on to this courtyard as well as customers waiting for the Register Office. It does not create the sense that staff or customers are valued as it's so barren and neglected. Please could this area be made tidy and replanted with pots and shrubs that the staff could maintain and provide year round colour. Additional seating, benches, bistro sets could also be provided for an outside area away from the public for staff to use in good weather.	It has been confirmed that the maintenance of this area is not under any current contract. ID Verde have been asked to provide a quotation to clear the weeds and re-plant the central bedding area with 'sustainable and year round colourful shrubs'. In the meantime they have sprayed the weeds with weedkiller free of charge. The blocked drain/soakaway has been reported to Amey (ref 121874))		Yes	
	29.11.16	Payment of Professional Fees	Charles Obazuaye is currently looking at the type of fees which may be eligible i.e. where membership of a professional body is an essential requirement of the role or where performance would be enhanced by membership and/or where there are difficulties with the recruitment and retention of qualified professional staff. You can reclaim tax on fees or subscriptions you pay to some approved professional organisations - but only if you must have membership to do your job or it's helpful for your work. For further information visit https://www.gov.uk/tax-relief-for-employees/professional-fees-and-subscriptions		Y	CO

DEP REP FORUM FEEDBACK AND ACTIONS (10/07/17)

THEME	DATE RECEIVED	YOU SAID...	WE DID...	PRIORITY STATUS	POSSIBLE FUNDING REQ'D	TO BE COMPLETED BY
Staff & Career Development	NEW 04.05.17	There is an existing retention and recruitment package for Social Care staff which regularly gets reviewed (including a number of benefits such as Golden Hello payments, additional increments for staff in front line roles within specific teams and extra annual leave) it seems that once you have reached Group manager level you are not entitled to any retention payments anymore.			Y	CO
	18.11.16	Develop closer links with Councillors so staff genuinely feel part of the bigger picture. Offer induction days to all Councillors which could cut down on number of enquiries made as they would have the knowledge to answer their constituents directly.	The induction of councillors covers a range of issues including representing constituents etc. Established as well as new councillors are invited to all induction events and we tend to get a good mix.so in part getting that right in 2018 will help. The induction timetable always includes scope for departments to present, departmental and team tours are sometimes offered and these can be repeated as necessary. A big part of change is asking and engaging around what would be useful for councillors to fulfil their roles to help shape any programme.			MB/CO
	29.11.16	Career development road map for officers, this might include vocational training/courses and experience perhaps through 'job swaps' in other departments or partner organisations, to allow officers to gain the necessary skills and qualifications to get them up to their next pay grade and ready for promotion, either within or outside the organisation	The induction timetable always includes scope for departments to present, departmental and team tours are sometimes offered and these can be repeated as necessary. Meeting to progress this is scheduled for 3/8/17 with Dep Reps and AT		Y	CO
	18.11.16	Consider re-running the staff survey to gather more suggestions	Director of HR to look at options for real time staff engagement		Y	CO
	7.12.16	We do not have a style manual that lists how words should be used in Bromley Council e.g. 'fly tipping', 'flytipping' or 'fly-tipping', or when 'council' or 'borough' should be capitalised or not. I forwarded a draft proposal to Susie, and I believe she is looking into this, but some sort of guidance for all staff is long overdue. Currently there are inconsistencies in our website, press releases and other literature, which do not make us look as professional as we should be.	The Council does have style manuals but they have grown up in separate departments and to coordinate these is on the list of corporate 'things to do'. Good headway with this work is being made thanks to the support of our Graduate Trainee and we have a draft manual in play at the moment. We hope to share and consult on this more widely over the next few months with a view to uploading onto our intranet and launching this to the organisation late this year, most probably late autumn.			AR/SC
	7.12.16	We do not have a central electronic photographic library which could be used as a resource for all officers. Currently officers, including the different Comms Teams store their own photographs.	We will look at this issue again in light of the interest. We have looked at this at various times in the past but there have been a number of issues why this was not progressed, including the technical issue of storage requirements for large high resolution images. Often photos are taken for a specific service related purpose and whilst they may have some benefit to other colleagues, this is not necessarily the case. It should be remembered that where photos are taken of people, permission is formally required as part of the Council's protocols. Colleagues are encouraged and able to share photos where appropriate, with publicity photos generally taken within a service area and also held corporately, with these photos available should they be required and in these instances, colleagues are encouraged to contact their Comms contact.			AR/SC
	7.12.16	The Outlook address book is hopelessly out of date e.g. 19 of the 51 officers in the 'ESD Streetscene and Greenspace' distribution list are no longer in Streetscene and Greenspaces. Now that this has been drawn to my attention, I am getting this list updated, but it would help if we had an officer who is responsible for updating the address book for the whole council	The Distribution lists are within the Address Book and are assigned to an administrator from that group. The Administrator is responsible to keep the distribution group upto date. The Administrator will remove a user from the network, i.e applications if they are hosted by ISD, Outlook, M: Drive etc; however the administrator will need to then remove the user from the distribution list. We are currently looking at a group mail box, where services can send email to inform us of any user that may have left so we can then remove the user.			SE

TOPIC	Date received	YOU SAID...	WE DID...	STATUS
Working Environment	18.11.16	Improvements to the canteen - it is very jaded and lacks personality	Cleaning of the walls, curtains and ducts around the air handling unit have been undertaken and removal of old posters from the wall.	CLOSED
	23.11.16	The adequate provision of work equipment e.g. smart phone to enable me to do my job efficiently	This has been raised with Directors and a review undertaken of the provision of work equipment. All staff should be aware that any requests for ICT tools and kit should be raised with their appropriate Director.	CLOSED
	23.11.16	An enhancement of IT systems is required to allow effective and productive mobile and flexible working, the current Line of business systems do not provide useable access via mobile/tablet devices, this hinders work/life balance and affects retention rates of staff. Mobile devices with live connectivity to line of business system dedicated Aps, would resolve this and remove the need for staff to carry papers around containing sensitive information	Core IT systems, including hardware are to be replaced over a period of time to improve connectivity, security and flexibility supporting mobile working.	CLOSED
	14.02.17	Use of new IT packages. This should be used with discretion. There is no one size fits all solution.	Agreed. However people should not go out and buy their own software without consulting with IT first as there are a number of checks we have to do to make sure any solution will work in our environment and if we need to make any changes such as adding servers. We also have to check hosted solutions to make sure they comply with the relevant DPA / GDPR legislation including safe harbour / data off shoring etc.	CLOSED
	14.02.17	The automated system for telephone callers to the Council does not always function properly. The automated system often fails to decipher what the caller is saying and callers are sometimes put through to wrong extensions and a long waiting time prior to the phone being answered. Improvements should be made.	Please report faults and issues through the following link: http://onebromley/HDol/PubVR/Pages/default.aspx	CLOSED
	14.02.17	Old and outdated hardware. Some of the computers are very old and slow and cannot cope with the updated software being rolled out. The current ageing desktops should be replaced with efficient laptops which are connected to the office systems to allow more flexible working to take place in an easier way, particularly if the Council is moving to an environment where we will be expected to "hot desk" and work at home more often and with less access to paper files.	There is a tech refresh process which any machine over 4 years old is eligible. There is a process for this and it has to go through the approved work requestor for that service area. The requester will need to give details of the old machine including any locally installed software e.g. Dragon dictate on a work request to the 'LBB IS service and contracts' mailbox in the normal way. The budget for the hardware is held by the departments, there is no central pot of money. What we have included in the BT contract is provision to replace and swap out the machine, so apart from the hardware cost there is no other costs to the departments. If there is a need to refresh a PC with a laptop, this is not a problem it just needs to be asked for in the work request and the laptop hardware procured. All of the hardware etc is in the IT catalogue. There has been an element of refresh built into the office accommodation project for when we move back into stockwell, however there are no dates for this as the project is under review. There is a concern over docking stations on hot desks as different manufacturers have different docking stations, meaning that there may not be a desk available with the right docking station. Companies get around this by using the new connectors (no pins to bend!) to directly attach the screen to the laptop, thus negating the need for docking stations. So far we have had docking stations broken by users where they have not been used properly or by trying to connect the wrong make of laptop	CLOSED
Health & Wellbeing	18.11.16	Provide free access/membership to Mytime Leisure Centres to increase health of staff and possibly reduce number of sickness absences.	Unfortunately free access to Mytime Leisure Centres is not possible. However Mytime Active currently offers Health and Fitness Membership from only £37.56 a month (Corporate Rate). Valid at 4 leisure and 5 Sports Centres across the London Borough of Bromley. No 'Tie In' contract. No joining fee. For further details visit http://www.mytimeactive.co.uk/membership Details of further local fitness discounts are available on Onebromley Real Benefits. http://onebromley/BA/Pub_CE/Pub_HRD/Pages/REALBenefits.aspx	CLOSED
	18.11.16	Provide free annual well-being checks via Occupational Health, blood pressure, BMI, blood sugar levels as a preventative health measure could reduce sickness absences and time off to go to GP's.	Our new OH provider (April'17) will include at least one health promotion event each year. Further details will be available once the new OH service goes live. Health Checks will also be provided at Real Benefit events. For information, the NHS Health Check is a health check for adults in England aged 40-74. You can expect to get a letter from your GP (you need to be registered with a GP) inviting you for a free health check. See http://www.nhs.uk/Conditions/nhs-health-check/Pages/NHS-Health-Check.aspx for more details	CLOSED
	29.11.16	Provide mental health awareness and wellbeing training	The organisation is supporting Nicola Musto, ECS who has volunteered as wellbeing champion for mental health to raise awareness on mental health including signposting and providing peer support. Nicola will deliver talks and training sessions to line managers on mental health awareness, managing mental health at work and how to provide support and It is intended that training sessions will commence March/April'17, additionally OH offer counselling to staff	CLOSED

Terms & Conditions	18.11.16	Provide the option to buy extra or sell unused annual leave if not taken in the year allocated	The minimum annual leave someone must take is 20 days per year. Annual leave may also be carried forward at managers' discretion. It is also at Managers' discretion if additional leave is required and this should be discussed with your manager.	CLOSED
	18.11.16	Extra days Annual Leave to reward those that have had no sickness absences in year.	It is not agreed that extra days of annual leave should be granted to those who have not taken sick leave in a previous year. Managers have discretion to approve extra leave if required.	CLOSED
	23.11.16	A bonus scheme after an allocated period on the person's birthday for example	Managers have the discretion to reward staff throughout the year in addition to the annual Merited Reward Voucher payment scheme. Managers can also exercise reasonable discretion in favour of individual staff or team performance in other acceptable ways.	CLOSED
	23.11.16	Clarity and consistency regarding sickness policy - staff attend work when they shouldn't for fear of repercussions	Noted and better awareness training will be provided to managers.	CLOSED
	18.11.16	Merited pay awards are a brilliant idea. They could be more transparent and less clunky to apply on behalf of a colleague/supervisor	Noted.	CLOSED
	27.02.17	The merited pay awards seem esoteric—shrouded in mystery to the uninitiated. There has also been some inequalities in the system. What if you are an outstanding worker, but your line manager does not nominate you. What if your line manager has not been going through the PADs process?	Noted. This should be escalated to your manager's manager. The new appraisal system from 1 April 2017 should improve this.	CLOSED
	18.11.16	Issue parking badges to staff that authorises them to park in a permit bays or on yellow lines whilst carrying out their duties without being penalised by Traffic Wardens within the borough	A system for issuing parking permits for essential staff to carry out their official duties already exists. Conditions apply. Contact Lisa Murray (ECS) and Pam Edwards (ECHS) for further details.	CLOSED
		Car parking - many staff have to walk 20-30 minutes to the nearest unrestricted parking spaces, this is going to get worse	Car parking spaces for staff is being considered as part of the civic site development project, and staff will be informed of progress.	CLOSED
	18.11.16	Offer cheap loans to staff to purchase cars etc.	Car loans are available to essential car users at the rate of 6%. You can borrow up to £7,500 or 50% of your salary whichever is the lesser amount. If the car is less than three years old the term of the loan can be up to 5 years. If it is more than three years old the loan can only be over 4 years. Alternatively Credit Union is a not for profit organisation that offers low cost loans to its members. Anyone that lives or works in the London Borough of Bromley or Lewisham can join for a small fee. For further information visit http://www.lewishampluscu.co.uk	CLOSED
	18.11.16	Introducing a housing scheme for staff of some sort, as many staff can't afford to live in the borough	This will be considered as part of the Housing Strategy work.	CLOSED
	18.11.16	Decent wage that reflects the roles and responsibilities of social workers/care managers/CMAs	The Council's recruitment and retention package is regularly reviewed to ensure that it is competitive with the labour market	CLOSED
14.02.17	Greater use of flexible working should be encouraged.	Flexible working is an established policy where it fits with the needs of the business, please raise with your line management if you feel this isn't being followed.	CLOSED	
Staff & Career Development	18.11.16	Operate a graduate scheme with training, could be Bromley Future Leaders Academy with right investment –grow your own approach etc.	A graduate intern scheme has been in place for a number of years. The introduction of the apprenticeship levy in April'17 will also provide the opportunity to recruit new apprentices and also provide the opportunity to upskill our existing staff.	CLOSED
	23.11.16	Role / Job specific training should be incorporated with induction process ie. Early and mandatory training provision for key line of business systems		CLOSED
	14.02.17	Staff training. External training where needed should be funded properly by the Council to ensure that training requirements are met.		CLOSED
Other	29.11.16	Concerns over building maintenance/repair and renewals budget reduced, a refurbished building will not remain a pleasant environment if common areas are not re-decorated, deep cleaned periodically & repaired. Example, the North block stair wells have stained carpets, peeling paintwork and damage which is left unresolved. Shouldn't we maintain investment in refurbished buildings by spending a realistic maintenance budget?	To be picked up as part of the planned maintenance programme.	CLOSED

Report No.
CSD 17152

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Local Joint Consultative Committee

Date: 10th October 2017

Decision Type: Non Urgent Non Executive Non Key

Title: Matters Arising from GP&L report DHR15005

Contact Officer: Steve Wood, Democratic Services Officer
Tel: 020 8313 4316 E-mail: stephen.wood@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: N/A

1. Reason for report

1.1 Unite have raised questions relating to report DHR15005 which went to the GP&L Committee on 26th March 2015. Report DHR15005 is attached for reference. Responses from GMB, Unison and Unite to the proposals outlined in DHR15005 are included as appendices as they are embedded documents in the report.

2. **RECOMMENDATION**

2.1 The Committee is asked to note the report, and the questions raised by Unite in the agenda text.

2.2 The Committee is requested to update Unite on progress made concerning the questions that they have raised.

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Excellent Council
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £343,810
 5. Source of funding: 2017/18 revenue budget
-

Staff

1. Number of staff (current and additional): 8 posts (6.87fte)
 2. If from existing staff resources, number of staff hours: Completion of "Matters Arising" Reports for PP&S PDS meetings can take up to a few hours per meeting.
-

Legal

1. Legal Requirement:

The European Union Directive for informing and consulting employees gives employees the right to be:

- informed about the business's economic situation and to be
- informed and consulted about decisions likely to lead to substantial changes in work organisation or contractual relations, including redundancies and transfers.

2. Call-in: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): This report is intended primarily for Members of the Local Joint Consultative Committee.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable

Decision Maker: **General Purposes & Licensing Committee**

Date: **26 March 2015**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **Review of Employee Representation Arrangements**

Contact Officer: Tammy Eglinton , HR Consultancy Manager
Tel: 020 8313 4209 E-mail: tammy.eglinton@bromley.gov.uk

Chief Officer: Charles Obazuaye, Director of Human Resources

Ward:

1. Reason for report

- 1.1 This reports sets out proposals for restructuring the current employee representation arrangements within Bromley Council. It is proposed to end the current secondment arrangement of staff into staff representation roles (i.e. the trade union and the staff side secretary roles) and to review the current role and structure of the Departmental Representatives Forum.
-

2. **RECOMMENDATION(S)**

2.1. **The Committee is asked to note and agree to:**

- 2.1.1 **Cease the secondments of staff into the roles of Staff Side Secretary and Trade Union Representative and to return the current staff undertaking these roles to their substantive positions within the Council.**
- 2.1.2 **Review the current arrangements for Departmental Staff Representatives within the Council to reflect the reduced workforce and realignment or reduction of services in line with the proposed arrangements set out in paragraphs 3.12 to 3.15 below.**
- 2.1.3 **Subject to 1.1 above, note that the Council will continue to provide reasonable support including paid time off for legitimate trade union duties in a balanced way taking into account service delivery issues.**

Corporate Policy

1. Policy Status: <please select>. Existing
 2. BBB Priority: <please select>. excellent Council
-

Financial

1. Cost of proposal: <please select> None
 2. Ongoing costs: <please select>.
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Staff

1. Number of staff (current and additional): 2
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: <please select> Pursuant to the Trade Union and Labour Relations (Consolidation) Act the Council is required to provide reasonable support/paid time off to recognised trade unions.
 2. Call-in: <please select> N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? <please select>
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1. The Council has a diminishing workforce and the current employee representation arrangements are no longer fit for purpose. The workforce is likely to reduce further with the consequence of the commissioning journey the Council is currently undertaking and also because of the pace of the process of schools converting to academy status, where Bromley Council ceases to be the employer.
- 3.2. The Department for Communities and Local Government has raised concerns about the number of public servants who are paid to work wholly on trade duties and hence, pursuant to the new Transparency Code 2014, local authorities are now required to publish the number/cost of trade union officers in “seconded” posts. The Council’s 2015/16 Pay Policy Statement addresses the requirement to publish trade union information.
- 3.3 The three main unions in the Council, excluding schools, are Unison, Unite and GMB. According to HR/Payroll records Unison has 387, Unite 192 and GMB 92 members. These figures are based on the check-off arrangement i.e. those who pay their membership fee via payroll. Some trade union members may have a direct debit arrangement in place, but the overall number of trade union members (including school based staff) in the organisation are historically somewhere between 20% and 25%.
- 3.4 The current trade union and staff representation arrangement includes two seconded officers (1.75FTE) wholly funded from the revenue budget. This is made up of 0.5 trade union role and 0.5 staff side secretary post both occupied by the same officer, and an additional 0.75 trade union role was temporarily arranged in 2008 to support the implementation of the Single Status project. The latter is currently occupied by Unite. The other 0.5 trade union funded role is occupied by Unison. GMB does not have a paid seconded officer. GMB members are generally supported by their regional officer paid for by the union
- 3.5. Bromley Council has a Corporate Departmental Representative and Trade Union Forum, which meets on a quarterly basis. The Forum is currently made up of the Staff Side Secretary and a varying number of trade union representatives, mainly from the Unison and Unite trade unions. There are also 42 places on the Forum for Departmental Representatives, although only 20 of these places are currently filled. There are similar levels of vacancies at any one time which suggests the current numbers are unrealistic and the arrangements merit review.
- 3.6. Elections for the roles of Departmental Representative and Staff Side Secretary are usually held every two years and delegates are elected by employees, irrespective of whether they are in union membership. Elections for these roles have been delayed due to the structural changes that have been taking place within the Council, however current representatives indicated their willingness to continue pending the next election. Some staff were appointed as a result of uncontested nominations to fill vacancies in the interim.
- 3.7. Since the last elections for the Staff Side Secretary role and Departmental Representatives, the Council has experienced significant financial and structural challenges. There has been radical reduction in staffing in the last few years and realignment or reduction of services necessitating a reduction in the number of departments from 7 some years ago to three now. The pace of the corporate departmental rearrangement has resulted in not having the right number of departmental representatives in the right places with the right support and training to provide effective support to the organisation and its workforce.
- 3.8 Every spend and cost line is being rigorously reviewed and challenged to ensure fitness for purpose, transparency and accountability. In the face of massive budget gaps totalling circa £50m in the next few years, the Council is proposing a number of financial and structural

changes unprecedented in the history of the organisation, resulting in difficult but unavoidable decisions. Hence, regrettably it is proposed to end the secondment of staff into staff representation roles (i.e. the trade union and the staff side secretary roles) at tax payers' expense. Staff representation should be carried out and reasonably supported by the organisation as part not instead of the representatives' normal job with the Council. The proposal is adopted in a number of public and private sector organisations to good effect without undermining good industrial relations and staff engagement.

- 3.9 The current arrangement has not kept up with the pace of financial and structural changes and challenges facing the organisation, requiring a different streamlined staff engagement structure capable of delivering tangible outcomes for staff, the organisation and Bromley residents and customers. The current arrangement with the elected staff side secretary at the centre is no longer required given the smallness of the corporate departments and the importance of localising staff engagements in teams and services to maximise staff involvement, communication and cooperation.
- 3.10 Going forward it is important to maintain a thin but fine divide between the role of trade unions and the role of departmental representatives which is currently partly blurred by the single engagement forum namely the Corporate Trade Union and Departmental representatives Forum chaired by the Director Human Resources and regularly attended by the Chief Executive. The mixed representation of trade union representatives and departmental representatives does not create a healthy non adversarial environment for meaningful dialogue and engagement with the departmental representatives in particular on issues not restricted to those requiring trade union consultation and where appropriate agreements. It is therefore proposed that a separate consultative/engagement forum for departmental representatives and a separate consultative/negotiation meeting with the trade unions are created.
- 3.11 In summary, the current arrangement is no longer sustainable or fit for purpose. It is, therefore, proposed:
- i.) to cease the secondment of staff into staff representation roles including trade union roles solely for staff representation purposes;
 - ii.) that following on from (i). above delete the staff side secretary seconded role;
 - iii) to review the structure and terms of the corporate trade union and departmental representatives' forum, with a view to adopting separate arrangements for departmental representatives and trade unions, achieving a smaller number of departmental representatives consistent with the current and future size of the workforce. Details of the proposed structures are set out below.

Going Forward

- 3.12 If the Committee agree the recommendations in this report, the current departmental representatives' arrangement will be reviewed and strengthened by realigning its focus and priorities to include the following;
- * Better engagement with senior management and Key Members including Cabinet on strategic OD matters, service redesign, change programmes, etc.
 - * Working together to build trust and confidence in the departmental representatives' structure to deliver tangible support and change for the good of the organisation.
 - * Mutual recognition of the changing financial landscape and the associated challenges and opportunities facing the Council.
 - * Provide genuine support and capacity to the organisation and staff to maximise staff ability to influence change.
 - * Develop credibility and work well with staff, managers, Members and the organisation.

3.13 The current number of departmental representatives (42, although only 20 roles are currently occupied) is no longer sustainable or effective. The high level of vacant departmental representative roles suggest that the number is not right given the pace of the structural changes in the recent years. Hence It is proposed to reduce the number of overall departmental representatives to reflect the new departmental structure and reduced workforce, as follows.

Education Care & Health Services	5 representatives
Environment and Community Services	4 representatives
Chief Executives Department	3 representatives

This would provide a total of 12 representatives across the Council, reducing from the current 42.

3.14 Therefore, the new Corporate Forum would therefore comprise of:

- ◆ 12 Departmental Representatives;
- ◆ Director of Human Resources;
- ◆ Chief Executive;
- ◆ HR Consultancy Manager

Other Directors and Attendees as appropriate to the agenda. Key Members and in particular the Leader of the Council and the Cabinet Member for Resources will be invited to actively engage and participate in the forum discussion and thus improve the contact and communication with departmental representatives on key Member priorities.

3.15 Departmental Representatives would continue to hold office for a period of two years provided they remain as employees during the period; these representatives would be elected by all (non-teaching) employees irrespective of whether they are in union membership;

Arrangements With Trade Unions

3.16 Separate meetings both planned and ad hoc between management and unions will be arranged to enable both parties to fulfil their legal obligations and duties.

Local Joint Consultative Committee (LJCC)

3.17 Separately there is a Local Joint Consultative Committee comprising elected Members/Councillors, trade union representatives and departmental representatives. The proposal to reduce the number of departmental representatives to reflect the workforce reduction, set out in paragraph 3 above, may require the LJCC to reconsider the membership/number of employee representatives on the Committee. If Members decide to review the composition or/and structure of the Committee unions and departmental representatives will be informed and consulted accordingly.

Trade Union Response.

3.18 The three Unions are unanimous in their opposition to the proposal. The formal responses from the unions can be found on below.



GMB - Response to
consultation.docx



Unison - Response to
Consultation.docx



Unite - Response to
Consultation.docx

The summary of the trade union position is as follows:

- i) Pace and scale of organisational changes requiring trade union and staff consultations. The unions question the timing of the proposal given the various corporate and departmental reorganisations and therefore contend that staff access to trade union support will be significantly undermined. It was stated by one of the unions, in inter alia, that “had the Council stated it aim was to review the current arrangements at the end of the budget and commissioning process in 2016/17 we would understand this, ...”
- ii) Right to trade union representations – the unions also assert that the proposal will undermine the right of individual employee to be accompanied and represented at disciplinary, grievance, redundancy dismissal meetings, etc. They believe that the proposal is practically incompatible with the Council’s legal and financial interests. Somewhat contrary, one of the unions also wrote in inter alia “the Council has not withdrawn the right to paid time off for trade union duties – it is the way in which it is allocated that is in dispute”.
- iii) service impact – the unions reject the main proposal to manage time off for trade union officers as part of their normal substantive roles because of the potential disruption to planning and management of service delivery issues and HR caseworks requiring trade union representations. They believe that individual departments will have to cope with unplanned absences from the workplace as representatives make increased requests for reasonable time off to perform trade union duties.
- iv) cost factor – the unions say that the current arrangement with 1.75FTE funded roles is value for money given the resources available to other Councils and the roles of unions in the organisation. They claim that the proposal is “simply unworkable, impractical and more expensive”

4. POLICY IMPLICATIONS

These are already covered elsewhere in the report. Suffice it to say that the Council understands the importance of good and effective communication and engagement with staff and their representatives. It will continue to review the arrangement to reflect the current and future changes and challenges facing the Council.

5. FINANCIAL IMPLICATIONS

- 5.1 The current budget for the Staff side/Trade Union post (1fte) is £46,060 which is funded £23,030 from the Chief Executives department and £23,030 from the CYP division of the Education Care & Health department. It was always acknowledged that if the secondment ended the post holder would return to their substantive post, which is not an issue as there are a number of vacancies within that team.
- 5.2 Funding for the 0.75 Trade Union post until recently was always met from within the overall library service, however after the restructure of the library service in October 2014 this was no longer possible. This post is currently being funded from one-off underspends within the Chief Executives department.
- 5.3 Ceasing of the existing arrangements will require some funding to be set aside for staff side/trade union work, so it is proposed that the £46,060 is held centrally within the Chief Executives budget until officers know how much of this is required and then the balance will be offered up as a future budget saving.

6. PERSONNEL AND LEGAL IMPLICATIONS

The main legal provision is the Trade Union and Labour Relations (Consolidation) Act 1992 which basically entitles recognised trade unions to reasonable paid time off for trade union duties. There is no legal entitlement to paid time off for trade union activities. The distinction is very important because trade unions activities are normally non employment related matters.

- 6.1 As stated above the unions have not suggested that the Council's proposal to continue to provide reasonable support to the unions and their officers including reasonable paid time off for legitimate trade union duties albeit under a different arrangement does not fulfil the requirements in the Trade Union and Labour Relations (Consolidation) Act 1992. The Act does not require employer to provide fully funded "pilgrim" or seconded trade union or staff representation roles. The Council will continue to provide reasonable time off for trade union duties in a way that reflects good practice and the operational requirements of the organisation. Contrary to the unions' claim the right to be accompanied and represented by a union representative is limited, in law, to disciplinary and grievance hearings. Notwithstanding, Bromley Council's arrangement in relation to disciplinary/grievance matters is far wider than the legal provision. Staff in Bromley, unlike many organisations including local government employers, can be accompanied or/and represented by any person of their choice including external representatives and friends and family members. In some cases staff have been represented by legal representatives. This will be maintained if the proposal is agreed.
- 6.2 Similarly, the proposal does not affect the legal provision to consult with recognised trade unions in relation to collective redundancies, TUPE, etc. The Council will continue to consult with the unions and negotiate with them where appropriate.
- 6.3 For reasons already covered elsewhere in this report, the current arrangement of seconding staff to the centre for trade union or/and staff representatives fails to recognise the pressure to review and scrutinise every resource and structure in the organisation. The number of union members is also a crucial factor. Having a fully funded trade union role in the centre to support a relatively small trade union membership in the current pressure is unsustainable going forward. The unions have responded negatively to the idea of paying or contributing to the cost of the current arrangement. The consultations with the unions started on 10 February and to date the unions have not offered any credible alternative to the proposal. The consultation document was also copied to all the existing departmental representatives and a further copy was posted on One Bromley for staff information or/and comments. Some staff have already commented either to HR or Members, or both. Their views are not dissimilar to the trade unions' response above.
- 6.4 If the proposal to end the current arrangement of seconded staff representation roles is agreed, two staff members are directly affected. Both officers will be supported and retrained if appropriate to return to their substantive roles. They are not redundant because they have a substantive role to return to which will be carefully and sensitively managed because of the length of time one of them in particular has been away for. HR will work with the individuals and their line managers to ensure a smooth transition as well as finding the right balance if and when legitimate request for time off for trade union duties are considered.
- 6.5 The future arrangement will be reviewed in consultation with the unions and the departmental representatives in the interest of good industrial relations, effective staff engagement and the Council's overall duty of care to Bromley residents. Contrary to the unions' position the proposal will provide union members and their departmental representative-colleagues to assume greater responsibilities to participate in the challenges and opportunities facing the Council.

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]

CONSULTATION ON REVIEW OF EMPLOYEE REPRESENTATION RESPONSE FROM GMB

Please accept this email as my formal response to the Council's proposals to end facility time in Bromley and for presentation to the Members.

The GMB is disappointed with the Council's approach on this matter and would like to address the following points:-

The terminology to describe the role and work of the trade unions is highly disappointing and seems politically loaded. To use the phrase 'tax payer expense' is misleading and in fact wholly incorrect. It is well documented that trade union facility time actually saves employers money and therefore is a benefit for the tax payers of Bromley.

The former Department of Business, Enterprise and Regulatory Reform (BERR) found in 2007 that the work of union reps resulted in;

- Savings to employers and the exchequer of between £22m - £43m as a result of reducing the number of Employment Tribunal cases;
- Benefits to society worth between £136m - £371m as a result of reducing working days lost due to workplace injury and;
- Benefits to society worth between £45m - £207m as a result of reducing work related illness
-

Although the GMB are not directly effected by these changes we engage with all employers that we have recognition with to support the benefits that trade unions reps bring. We encourage employers to allow GMB reps to take structured time off to fulfil their duties in a way that does not result in difficulties managing the work of those employees. For a line manager it is incredibly disruptive to have to allow a union rep time off on an 'as and when basis', it does not give any assurances to the manager that any work allocated to the union rep will be completed.

The GMB recommends that the Council considers postponing such a change given the huge upheaval its move to becoming a mainly commissioning authority is causing and it is not taking into account the support that union members will need during these times of uncertainty.

The Council rightly notes in its report that the move to Academy status for its schools is a driver in these changes. However instead of a move to reducing facility time across the board we recommend that the Council sets up a working party to facilitate how the unions can work with the individual Academy employers to pool facility time and to make sure that Schools themselves are taking this responsibility on. This works well in other boroughs and is a model we'd like to see set up in Bromley, with the Council playing the role as facilitator.

It would also be useful, if these proposals are implemented, for a pool of hours to be set up for the Unions to use to allow for proper planning of meetings, the attendance of these meetings and informing its members of the outcomes. We therefore suggest this is added to the remit of the working party we recommend is established.

To conclude, we are disappointed with these proposals and believe they are badly timed given the amount of change taking place. We would however like the Councillors to give serious considerations to our proposals and would welcome their introduction.

Kind regards
Nick

Nick Day

Membership Development Officer

South East London and Kent Area

GMB Southern Region

3 Park View Road

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GMB Southern Region Website www.gmb-southern.org.uk



Bromley local Government Branch submission

Dear Charles

Re: PROPOSAL TO END TRADE UNION SECONDMENT

I am writing in response to the above proposal.

History

As you will be aware for over 40years the council has recognised that the most efficient and effective way of meeting its legal obligations with regards time off for trade union representatives to carry out their role, has been for the council to release the elected branch secretaries from their jobs.

The time off the council has granted has shrunk considerably over the last 15years from three FTE to just 18hours per week currently given to UNISON.

In comparison to other London boroughs, Bromley currently provides one of the lowest amounts of trade union facility time. In the neighbouring borough of Croydon for instance they currently have 6 FTE on secondments.

In addition unlike a number of other local authorities who have evaluated a grade for the post based on the skills and knowledge required to undertake the role, Bromley Council has always seconded only on the basis that the employee would earn the same salary as the post that they were originally employed in hence saving itself considerable money.

In fact in my case the council has saved itself thousands of pounds in that it has not paid me the recruitment and retention payment paid to child care social work staff for many years (approximately £2000 per annum).

Historic level of change in the council

I am sure we would all agree that due to the local authority funding crisis the council is embarking on the biggest change programme in the 30years I have been working here, if not in its history.

The budget reductions planned over the next four years of some £70million are and will continue to lead to major staffing restructurings and reductions. On top of this is of course the wholesale commissioning agenda.

The level of transformation and change that the above will bring naturally will have serious Employment Rights issues for the workforce and our members. Such is the scale and speed of the changes that it will inevitably place a great strain on the council to ensure that there is a meaningful and genuine collective bargaining process within the Council.

It is somewhat surprising given the level of change that is to take place over the next 2-3 years, that the council is looking to cut the amount of time the trade unions have to carry out our legitimate functions.

This is contrary to past practice where the Council has recognised the risks of not meaningfully engaging with the Trade Unions by providing additional facility time to recognise additional work pressures, such as the Single status agreement and the job evaluation exercise.

Whilst I recognise that the proposal is not being put forward as a budget cutting exercise (in fact we believe that it could cost the council more) it is none the less a 100% cut in the budget for facility time a level of cut that no other section has faced.

Had the council stated it aim was to review the current arrangements at the end of the budget and commissioning process in 2016/17 we would understand this, after all if the council ends up employing no workers it would be difficult to argue against.

The council proposal will be a false economy and impractical and one that will satisfy neither management nor the union.

As you will be aware the council in recognising UNISON has a number of statutory duties under the ACAS code to allow paid time off for trade union representatives to undertake all of its duties. As such the council will still legally be required to fund paid release for these duties.

The council would be required to release the UNISON representative for the all work under the following formal Procedures. A failure to do on any of these can have significant legal implications for the local authority.

Disciplinary

Grievance

Sickness

Redundancy

Job Evaluation scheme

TUPE consultation

Annual Pay talks

These include all meetings, investigations, hearings and appeals under these procedures.

This work includes the right to adequate time off to meet with the member beforehand and time to prepare properly. It is not uncommon that hearings in

the council can involve literally hundreds of pages of management documents and for hearings to run over a number of days.

Department Restructures

Currently we are being inundated with budget cut proposals which involve staff reorganisations, with the promise of many more to follow in the next few years.

For each one of these reports UNISON will be entitled to adequate time off to read the reports, meet with members affected by any restructuring proposal. It will also include time off to prepare for and conduct negotiations with management and time off for presenting the union case to councillors.

Once a restructuring proposal has been agreed by council we would then be entitled to time off to individually advise any member affected as to their rights in relation to redundancy and or redeployment including time to prepare and present any redundancy appeals.

Outsourcing

For every proposed outsourcing proposal again UNISON will be entitled to adequate time off to read the reports, meet with members affected by proposal.

It will also include time off to prepare for and conduct negotiations with management and time off for presenting the union case to councillors.

As and when the council decides to outsource a service we would then be entitled to time off to meet the legal requirements for consultation under the TUPE regulations.

Local Pay

Since the council introduced Localised pay this now means that a series of weekly meetings are held from each September through to February. This would not only involve paid release time for the meetings, but also in order to prepare and present our case before management and the various council committees.

Terms and conditions

Since the introduction of Single Status and Localised pay the council has proposed and sought to negotiate a number of local changes to terms and conditions.

These have included the introduction of Car parking charges, a review of the car allowance scheme, and the introduction of a merited pay award scheme and the ending of automatic cost of living pay rise.

All of these have involved a significant amount of time in negotiations, meetings with union members and meetings presenting our case before

councillors. In addition in a number of these processes union members have appeal rights which have meant time needed for preparation and presentation of appeals.

The council has indicated that a review of terms and conditions is going to be an ongoing situation in the years to come.

This year alone we are **still** involved in the consultation/negotiations over the proposed ending of automatic pay progression for new starters and the proposed ending of the current car allowances scheme.

Job evaluation scheme

Under the council Job evaluation scheme every worker is entitled to seek a review of their grade and ask for a re grading appeal. These appeals involve a considerable amount of preparation time and then presenting a case to a panel. In addition where the council carries out a restructuring of a job role the worker has a right to challenge any proposed new grading.

Where a job evaluation panel is set up the union can also be required to sit on a panel.

Casework

In addition to the formal Casework referred to above there is much informal advice work undertaken. It is a fact that sometimes early informal intervention can save the employer time and resources.

Informal casework can be a small intervention which may require an email or telephone call or short meeting and or a discussion with HR and or a manager to resolve a matter without the need for it to progress into full blown time consuming procedures, it is often through this sort of ad hoc work that we are able to resolve a case rather than the need for lengthy and expensive legal action.

Much of this work is only possible because of ease of access by management to the union branch secretary by phone email or in person. The problem we have is that it is impossible to know initially what resource is required for each request for support and/or representation.

Impracticable for management to manage

Given the description of both the wide scope and range of work for which paid time off will **have** to be given it would be highly impractical for a local manager to on the one hand be allocate work to myself and to be constantly having to release me from the job in order to carry out the union role.

It would inevitably lead to either hearings, negotiations being delayed through postponements due to workplace commitments and/or it will lead to management frustration that work they needed to be done not being able to be carried out due to the need to be released for union duties.

Given that I am employed as a social worker it is not simply a case that work could be dropped in order to attend even a planned meetings and hearings.

Imagine the situation where a disciplinary hearing had been set up involving significant numbers of management and staff and HR, where the time off was agreed for me to represent a worker, but I was on duty and something ran over or I was carrying out a child protection investigation that was running over and can't be just dropped. This will lead to late postponements being required and the time work and cost of re arrangements and delays.

An unsafe practice

It is also likely to lead to increased pressure and conflict in the work place between the local manager and myself.

Under the current system the Facility Time has backfill funding to the department. This means there is a temp/agency/locum member of staff carrying out the work which is not being completed because the UNISON rep is carrying out trade union duties.

Under the new proposals there is no reference to funding the backfill time required. It is therefore only reasonable to see that the '**ad hoc**' release will inevitably lead to increased stress in the workplace as I try to carry out my job as well as do the union role.

As you are aware the UNISON secretary is a social worker. There is an additional risk that by adopting the time off on an '**ad hoc**' basis could **compromise** my professional status.

By that I mean, I will be working under significant duress trying to deal with the stress of what is a demanding job and coping with the knowledge of the **negative impact my** absence away from the workplace will now have on their work colleagues, services users and carers as a result of being called away to carry out their Trade Union duties.

I am concerned that the strain of carrying out trade union duties and my own work will mean constant negotiation around achieving time off. All of this combined will increase the risk of stress and burn out for myself and also on my colleagues who will be picking up the extra work.

The Council has a duty of care to me as Council employee. There is of course a risk of stress induced illness to those affected by the withdrawal of paid time off.

Right to confidentiality of staff threatened

We are also particularly concerned about the impact of the '**ad hoc**' time off proposals will have on staff with protected characteristics. Under these proposals there is an increased likelihood that members will become even more reluctant to discuss equality issues with UNISON as they fear the union will have to disclose information to the Council about them in order to secure the time off.

Who will and can carry out the role of union representation?

In response to the points above management have suggested “that all the above work **doesn't** have to be carried out by the branch secretary it can also be carried out by other representatives”.

This position ignores a number of practical realities.

Firstly to undertake the case work it must be undertaken by a legally ERA accredited representative. Whilst UNISON has the biggest union membership in the council, UNISON has only **one** other ERA accredited representative other than the Branch Secretary directly employed by the council. This unusual situation is because of the previous internal situation within UNISON when the majority of council representatives left UNISON to join UNITE.

Secondly even if they existed it is not reasonable or practical to ask local reps to be expected to carry out complex employment cases or negotiations involving TUPE, redundancies and or contractual changes. Given that the role is a voluntary one any attempt to do so is likely to push them to resign rather than encourage them to take up the role.

I should point out it is not a position that any manager in the council is put in. There is no manager for instance who is required to present or conduct hearings and or negotiations without an HR advisor supporting them.

Even if more reps existed due to their inexperience it is likely that we would end up with more appeals being lodged for which the branch secretary would be called in anyway which would mean more not less time being required.

Thirdly due to recent case Law ACAS are due to revise the legal codes of practices to strengthen the rights of a worker to have the representative of their choice. (Toal and Hughes v GB Oils Ltd)

The current Facility Time approach through the secondment provides the certainty of resource (albeit limited) which provides greater flexibility for arranging formal and informal meetings at short notice. This is something that I have found has greatly benefited both the employer and our members. The **'ad hoc'** approach will hinder this practice and potentially lead to escalations which could consequently mean a greater demand of resources from the employer.

Facility Time provides certainty in terms of preparation and planning of work for meaningful consultation and the representation of members through casework.

It also provides anonymity for our members to be able to seek advice without fear of reprisals. By that I mean we currently have significant numbers of

members across the Council who approach the branch on an informal basis seeking advice or support. Our approach is always to explore the options and seek where possible an informal resolution to any issue. It is our belief that the **'ad hoc' time off** proposal will undermine this positive relationship both with our members but also with the Council.

Risk of tick box representation and consultation.

It is our view that the **'ad hoc'** approach risks leading to a tick box culture whereby a UNISON rep turns up to meetings without any time to prepare, plan or organise a response to employer proposals such as restructures, outsourcing or representation at a disciplinary/capability hearing.

It is important to UNISON that our members are able to access their UNISON reps and that sufficient time is allowed for reps to facilitate meaningful consultation with them. In order to support consultation UNISON reps need time to read all relevant information, to research Case Law and relevant legislation in order to positively engage in negotiation and consultation.

Ad Hoc' will cost more

In conclusion I would like to reiterate that UNISON wants to be able to have a meaningful role in aiding resolutions of problems and conflicts at work. The role of a Trade Union rep can be both demanding and complex. In order for a Trade Union rep to be able to carry out Trade Union duties effectively they need reasonable paid time off from their normal work.

In 2007, the then Department for Business, Enterprise and Regulatory Reform (BERR, now BIS - Department for Business Innovation and Skills) conducted a review of facilities and facility time available to workplace representatives.

The review found the following in unionised workplaces:

- Dismissal rates were lower
- Voluntary exit rates were lower
- Employment tribunal cases are lower
- Workplace-related injuries were lower
- All of the above generated savings up to £977m for the employer.

It is my experience from representing members in Bromley Council over for over 25years that there is a very real risk that ineffective consultation and representation can and does lead to increased costs of litigation and compensation.

I am concerned that **'ad hoc' time off** will lead to further delays and prove to be more expensive both in financial terms and service delivery.

It is our view therefore that a Facility Time approach is the most cost effective means of securing meaningful collective bargaining in any organisation.

Finally it should be noted that all the above arguments have recently been rehearsed in the London borough of Barnet and after deliberation the council decided **not** to proceed with withdrawing the existing facility time agreement.

In addition Barnet have developed a formula whereby written into all the outsourcing contracts is that they proportionally fund the trade union facility time based on the number of staff transferring and as such the private sector are helping to pay for the facility time.

Glenn Kelly
UNISON Branch secretary

CONSULTATION ON REVIEW OF EMPLOYEE REPRESENTATION RESPONSE FROM UNITE

Report Title: Trade Union Facilities

Report Author: Onay Kasab, Regional Officer, Unite The Trade Union

Introduction

Bromley Council has announced its intention to withdraw all block trade union facility time. This report is a response to that proposal. It will come as no surprise that Unite opposes the proposal. However, what may come as a surprise is that the basic premises that underpin the employers decision are deeply flawed. This report makes the case for maintaining the block facility arrangement as it is. Indeed, it is our case that under a fair analysis the amount of block facility time would be increased.

Trade union facility time and facilities are the time and resources that unions negotiate from employers so that they are able to represent members both individually and collectively in negotiations with managers. Union representatives have had a statutory right to reasonable paid time off to carry out trade union duties since 1975, and most of the current provisions come under the Trade Unions and Labour Relations (Consolidation) Act 1992, introduced by the then Conservative government. Guidance on the practical application of these provisions is provided in the ACAS Code of Practice. In Bromley, the Unite Branch Secretary is allocated 27 hours per week for trade union duties. We are clear that it is this that is in dispute - the Council has not withdrawn the right to paid time off for trade union duties - it is the way in which it is allocated that is in dispute.

There has been increased interest from sections of the media and from unrepresentative organisations such as the Tax Payers Alliance. There have been negatively couched press stories, requests under the Freedom of Information Act to find out the cost to public sector employers and Parliamentary questions. However, the evidence supports our view of the reality of the provision of block facility time arrangements such as that which currently exists at Bromley. It can not simply and crudely be regarded as a cost to employers, on the contrary the work undertaken by our Branch Secretary in Bromley represents an important workplace resource.

Financial Implications

The employer has stated that it can no longer justify the cost of a block facility time release for Unite Branch Secretary Kathy Smith. Instead, this will be removed and Kathy will return to her substantive post. The employer states that it will then give reasonable time off on an ad hoc basis and that it expects the union to allocate the work across the shop stewards that exist in Bromley. If the employers motivation was indeed financial, Unite will have expected the employer to provide detail of how much it estimates to save as a result of withdrawing the block facility arrangement. Unite has already made clear and the employer has not challenged the fact that the same workload as far as trade union duties is concerned will exist - indeed the changes taking place in workplaces across the employer as a result of Council decisions are likely to increase. Therefore, the Council expects other reps to pick up this work on an ad hoc basis. Kathy Smith is paid as a scale BR5 Library assistant. The experienced trade union reps that exist in Bromley and who are expected by the Council to pick up the work are all paid at higher grades. Therefore, based on this simple analysis, the proposal will in fact cost more. It should also be noted that neighbouring boroughs have graded the post of Branch Secretary (Croydon and Lewisham) under the Single Status Job Evaluation scheme. The duties of the role (which are near identical to Bromley) evaluate at PO1 and PO2. This is considerably higher than the grade on which Kathy is paid.

Service Impact Implications

The block facility time arrangements allow for planning, minimise the need to re-arrange meetings and mean minimal disruption. By moving to an ad hoc system applicable to reps across the Council the employer is inviting huge disruption to the Human Resource process. It also means that individual departments will have to cope with unplanned absences from the workplace as reps make increased requests for reasonable time off to perform trade union duties as allowed for under the law. There will be a service and cost impact that local managers will be left to deal with. From a practical point of view, it simply makes no sense to move from a block facility arrangement. In fact, studies show that reasonable facility time arrangements actually improve business performance. In 2007, the Department for Business, Enterprise and Regulatory Reform reported that the work of union reps resulted in savings to the exchequer of between £22m - £43m as a result of reducing employment tribunal cases, benefits to society worth between £136m - £371m as a result of reducing working days lost due to workplace injury and benefits to society worth between £45m - £207m as a result of reducing work related illness. In addition, the study found savings of at least £19m as a result of reducing dismissals and savings to employers of between £82m -£143m in recruitment costs as a result of reducing early exits.

The employer is claiming that reasonable time off will continue to be granted based on the exigencies of services. The reality is that the model proposed by the employer, of ad hoc arrangements spread across reps rather than a block facility arrangement is simply unworkable, impractical, will be more disruptive and more expensive. Rather than react in a knee jerk fashion to the Tax Payers Alliance, the employer needs to look at the reality of the situation and make a decision based on facts and figures.

Trade Union Duties

It is worth reminding ourselves of the role carried under the heading of trade union duties. Union representatives carry out a wide range of often demanding and complex roles, including;

Provision of informal advice to colleagues

Formally representing members in grievance and disciplinary hearings

Negotiating with managers

In addition to the above, many union representatives carry out a number of specialist roles in relation to health and safety at work, improving access to learning and skills, improving equality and diversity in the workplace and working with employers to make workplaces more environmentally friendly.

The role of a union rep has become increasingly complex due to the dramatic increase in changes to employment rights and law. This places great demands on reps - as a result more time now has to be spent keeping abreast of employment law and researching relevant issues.

How Much Time Is Actually Paid For?

In Bromley, the employer allocates **27 hours** for the Unite Branch Secretary to carry out trade union duties. The reality is that in order to carry out trade union duties, our Branch Secretary works considerably in excess of these hours, on an unpaid basis, every week, in order to carry out trade union duties, typically 15 hours plus. The employer should be reminded that the reason for this is because of the demand generated by the employers actions - it is not a case of Kathy looking for the work. Instead, it is the case that unpaid hours doing trade union duties are necessary because of the employers actions, be it re-organisations, individual casework or a whole list of other demands linked to the employers budget and commissioning strategy. At no point has Unite sought payment for these **extra** hours spent undertaking trade

union duties - something that union representatives are entitled to paid time off for. In fact, a good argument exists that Kathy Smith saves the Council money. This in fact reflects a national picture. What was then the Department for Business Enterprise and Regulatory Reform commissioned a survey that found that reps in the public sector contribute up to 100,000 unpaid hours of their own time each week. Unite is more than willing to justify our position in Bromley and would invite the employer to work with Unite to calculate the additional earnings that Kathy would have received had she been paid for all hours spent undertaking union duties. Only then will the Council have a true picture of the position - something which surely is vital before a decision is made.

The Council also need to be mindful of the impact on work-life balance for reps, who are Council staff. The proposal from the Council will in fact increase pressure on Kathy to do even more work in her own time.

Next Steps

The employer has made clear that if it goes ahead with the proposal, there will be occasions when it will refuse Kathy time off to carry out trade union duties on the basis that other reps exist. This is not acceptable to the trade union and in our view is clearly open to legal challenge. Unite already has legal opinion on this precise point. Therefore, we will be in a position where each refusal is challenged through the employment tribunals. However, this is not a route we favour, it is not good for the employer, the union or our members. Instead, our alternative proposal is that the employer does not move ahead to implement but instead carries out a proper review before it makes any decision. This is surely the process with other changes of this significance. If the Council has a financial argument, it needs to set it out and cost it. This report believes that no financial argument exists. If the proposal is an ideological one about the role of trade unions, then the Council needs to make this point clearly and we will engage with that debate.

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