

## LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.00 pm on 28 February 2013

### Present

#### Employer's Side

Councillor Nicholas Bennett J.P.  
Councillor Eric Bosshard  
Councillor Stephen Carr  
Councillor Ellie Harmer  
Councillor William Huntington-Thresher  
Councillor Russell Mellor  
Councillor Tony Owen  
Councillor Colin Smith  
Councillor Diane Smith

#### Staff Side and Departmental Representatives

Richard Harries, Unite  
Adam Jenkins, Unite  
Glenn Kelly, Staff Side Secretary  
Kathy Smith, Unite  
Max Winters, Education & Care Services

### **54 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no apologies.

### **55 DECLARATIONS OF INTEREST**

Councillors Colin and Diane Smith both declared a personal interest as their daughter worked for the Library Service on a part time basis.

### **56 MINUTES FROM THE PREVIOUS MEETING OF THE LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 5TH SEPTEMBER 2012**

The minutes were agreed.

### **57 STAFF SIDE ITEMS FOR CONSIDERATION**

#### **A) LOCAL PAY AND CONDITIONS**

By raising this matter, the Staff Side Secretary wanted to provide Members an opportunity to assess the position now reached and to understand the implications of the Council's decision the previous evening to implement localised pay and conditions for staff.

He suggested that some 2,000 staff had not agreed to change their employment contract to reflect localised pay and conditions. This amounted to some 60% of the workforce. Under the national agreement, a first formal offer was made on 21<sup>st</sup> February 2013 and he suggested that this bettered the L B Bromley offer by providing a 1% pay rise, an increase in Annual leave and an increase in car mileage rates. An essential car user could obtain more through

the national car mileage offer than the £200 offered by LB Bromley to accept localised arrangements. The gap between national and LB Bromley proposals had now shrunk with the national offer overtaking the benefits of the Council offer. The Staff Side Secretary asked whether the Council would now re-consider its proposals.

He indicated that the threshold for triggering the dismissal and re-engagement consultation process had been exceeded. If maintained, such a figure would provide those employees with a right of appeal against implementation. The Staff Side Secretary estimated that it would take some 57 weeks to conclude 2,000 employee appeals, highlighting that local pay and conditions were intended to be cost neutral. The Unite and Unison unions had balloted for industrial action against the national offer. Staff were now more anxious about the Council's budget position; were local pay and conditions beneficial, the Staff Side Secretary suggested making them voluntary alongside an increased inducement.

The Chairman emphasised that the Council wanted a good working relationship; the desire was to have local terms and conditions for staff. Overall, 44.25% of staff (1,579) had agreed to local pay and conditions. Some staff may have also been awaiting the Council decision before responding. With the decision made, it was now possible to provide flexibility for staff through the new arrangements. Councillor Carr explained that the offer had been part of the budget process to provide certainty for staff. It included a pay offer of 1.7% for staff earning less than £21k (FTE) and 1.2% for staff earning £21k (FTE) or more. It also included a £200 one-off facilitation payment to those agreeing the offer by 11 March. This would stand in the budget and there would be no change to conditions of service for two years (with an assurance of no plans to alter them thereafter). The offer provided was in good faith and would not change.

The Assistant Chief Executive (HR) disputed the suggestion that some 2,000 staff had yet to respond advising that 56% of the workforce had responded. Following the Council decision, more responses were expected in the next few days. The Bromley package was better than the national offer which comprised either (a) 1% linked to changes in conditions or (b) 1% for those on SPC4 -10 (staff earning to £14k) and 0.6% for remaining grades without any change in conditions. Linked to option (a) was an increase in the start of Annual leave from 21 to 22 days but this was below L B Bromley's offer at 23 days.

The Staff Side Secretary referred to the national offer and mileage rate change. He also indicated that the 22 days Annual Leave offered nationally included two "statutory" days so improving on the L B Bromley offer. He highlighted that a non-response to the Council's offer did not indicate agreement and hours worked or to be worked on the exercise had not been costed.

For clarification, the Chairman explained that 44.25% of staff had agreed to the Council's offer and Councillor Carr indicated that it was not known when the national offer would be paid.

## **B) MARKET TESTING**

The Staff Side Secretary suggested the Council was about to enter the largest market testing exercise since the late 1980s/early 1990s. He understood that some 10 to 13 services were to be market tested.

The Staff Side Secretary referred to a concern with certain management figures for some exercises including proposals for extra care housing and concerns about the Call Centre in particular. It was necessary for staff to be confident of having consultation on proposals and the Staff Side were accordingly asking for representation at meetings (observing and speaking).

Before any private sector outsourcing, the Chairman highlighted a need to ensure that a service would be improved under private arrangements. Where this was not the case the service would not be outsourced. Councillor Carr suggested that staff could influence decisions on services such as ICIS and Reablement but was not supportive of staff side representation on the Organisational Transformation Team (OTT) Board. It was possible to inform the staff side but staff side inclusion at OTT meetings would not be appropriate in the same way as staff side representation at Cabinet meetings would be inappropriate. However, there was no attempt to hide information and the Employer's side were respectful of staff.

The Assistant Chief Executive (HR) was unable to support the Staff Side being part of the OTT Board. OTT work, led by the Director of Renewal and Recreation, was not considering privatisation as the only option for services – there were other options including shared services and in-house provision. Councillor Carr indicated there were two cases where social enterprise was an option. This had not been pushed but there was an openness to look at such an approach. This was supported by Councillor Bosshard and he encouraged the staff side to look at social enterprise. Councillor Owen felt that front line service staff knew how to run their services and he wanted an opportunity for staff to submit their own bid to run their service.

The Chairman highlighted that the staff side would be consulted. Referring to management figures, the Vice-Chairman suggested that figures were often given at Executive meetings as illustrations of what might be the case. She asked that accurate figures are used and felt that figures with substance were necessary rather than illustrative figures. The Staff Side Secretary advised against using current prices. Concerning staff representation, he also indicated that staff were previously represented on Best Value Boards and he felt that senior staff were remote, not working in (the front line of) the services provided.

Councillor Bennett suggested there were a variety of options that could be considered when market testing and there were opportunities for staff. There

were responsibilities to Council Tax payers to ensure value for money. Contracting out a service would not be taken forward if the service was best delivered in-house. Members were asking management for options on delivering services and details would be considered in public by the relevant PDS Committee(s). Councillor Bennett supported the principle of market testing.

Mr Harries asked whether there would be opportunity to consider services already outsourced. The Council's legal team and youth service (formerly *Connexions*) were highlighted as examples of services brought back in-house. It was necessary to continually look at services and the Executive and other Council bodies would do this.

The Staff Side Secretary enquired of concerns for staff having a direct input into the market testing process. The Assistant Chief Executive (HR) explained there was a framework in place for staff to provide views; seeking staff involvement did not enable staff side representation on a management review. There would be consultation and staff side representation was not necessary on the OTT Board.

Mr Harries asked if it would be possible for the Staff Side to see minutes of meetings - the Staff Side were looking to help prevent problems for the future and to assess whether the process was fair. If a work issue concerned the Staff Side, Councillor Carr felt there should be management involvement openly in the work place. Committee representation would not provide the staff side with any further information and could fetter management discussion. Further information would come from sources such as a newsletter.

## **58            DATE OF NEXT MEETING**

The date of the Committee's next meeting was scheduled for 4<sup>th</sup> July 2013.

The Meeting ended at 6.57 pm

Chairman