

LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.30 pm on 18 July 2018

Present:

Employer's Side

Councillor Russell Mellor (Chairman)
Councillor Nicholas Bennett J.P.
Councillor David Cartwright QFSM
Councillor Simon Fawthrop
Councillor Josh King
Councillor Kate Lymer
Councillor Pauline Tunnicliffe
Councillor Michael Turner

Staff Side and Departmental Representatives

Nikki Dyer, Education, Care and Health Services
(Children's Social Care)
Melody Makumbe, Education, Care and Health
Services (Adult Social Care)
Gill Slater, Unite Representative

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from the Leader.

Apologies were also received from Nicola Musto, Stuart Henderson, Kirsty Wilkins, Jackie Goad and Duncan Bridgwater.

2 MINUTES FROM THE PREVIOUS MEETING OF LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 5th APRIL 2018

The Vice Chairman raised the issue of the Committee using a 'Matters Arising' report in the future. It had been suggested previously that this was a matter that could be discussed at Full Council. A Member suggested that the concern would be better served if it was considered by the Constitutional Improvement Working Group.

RESOLVED that

1) The minutes of the meeting held on 5th April be agreed as a correct record.

2) The issue concerning whether or not Council committees should incorporate matters arising reports into agendas be considered by the Constitutional Improvement Working Group.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 TERMS AND CONDITIONS GOING FORWARD FOR OUTSOURCED STAFF

The Staff Side had asked the following question that was read out by the Chairman:

Does the Council have a breakdown of the numbers of Bromley Council jobs outsourced over the last 10 years? Long standing staff providing the same or even increased services to the Council are not guaranteed and often not receiving pay awards equivalent to those which they would have received had they not been outsourced. Has the Council undertaken any monitoring of the pay awards made to former Bromley staff, now employed externally to provide Council services, in order to understand the implications of commissioning decisions for staff, and if not will it?

The Director of Human Resources had circulated the following written response prior to the meeting:

In the last 10 years, 428 staff have been TUPE transferred to other organisations. The Council is not required to monitor the pay of staff of other organisations. More importantly, the Council does not interfere or get involved in the terms and conditions of employment of third party organisations. That is a matter between these organisations and their workforce.

The Vice Chairman clarified that she was aware that LBB did not currently monitor the pay awards of former Bromley staff, but that she was asking if LBB could monitor them in the future. She asked if certain requirements could be incorporated into the contracts when LBB was undertaking commissioning. She expressed the view that LBB was not taking into account the reduced pay for commissioned staff. She felt that this was a moral and social issue that adversely affected the health of staff, and impacted on productivity. She expressed the view that if the Council did not ensure the well-being of staff that had been commissioned out to work on Council services, then this could pose a risk to the adequate provision of those services.

The Chairman reminded everyone that the Council used the TUPE process which would ensure that outsourced staff were transferred out with their existing terms and conditions protected. He stated that recently, he was aware of a contract that had not been outsourced as the contractor would not agree to the TUPE of Bromley staff.

A Member commented that the information the Vice Chairman was seeking was likely to be the subject of Freedom of Information requests. The Council would not wish to impose unnecessary burdens on those companies that it was looking to commission work to, as well as unnecessary burdens on the Council in researching the information. It should also be borne in mind that many of these companies were larger than LBB, which would in itself create new opportunities for outsourced staff.

A Member agreed with the Vice Chairman, stating that it seemed that savings accrued by the Council in outsourcing were borne by outsourced staff in the form of reduced pay awards going forward.

A Member expressed the view that LBB should not seek to influence the pay policy of any organisation other than LBB. This was a view seconded by the Director of HR (Charles Obazuaye) Even if LBB had access to the relevant data, what would they do with it--as LBB would still be in the position of being unable to influence the pay policy of another organisation. Such a course of action could also pose a legal risk to the Council because by influencing or determining the pay of outsourced staff they could be used as comparators for equal pay purposes. The Director of Commissioning expressed the view that it would be much harder for LBB to commission services if they tried to influence the pay policy of other organisations.

The Vice Chairman responded that whilst she appreciated some of the difficulties raised by the issue, she felt that it was the case that LBB could do more if they had the will. By this she was referring to building in extra staff protection into contracts such as the London Living Wage or TUPE plus arrangements.

5 MONITORING OF STAFF MENTAL HEALTH AND WELLBEING

The Staff Side had asked the following question:

At the last LJCC, the Head of HR provided information on staff absence related to stress, depression, anxiety and mental health issues during 2017/2018. However, no monitoring of employee mental health and wellbeing as recommended in 'Thriving at Work—Stevenson/Farmer review of mental health and employers' has been undertaken.

<https://www.gov.uk/government/publications/thriving-at-work-a-review-of-mental-health-and-employers>

Given the impact on staff of increasing workloads, reorganisation and outsourcing activity, will the Council respond to the findings of the report, agree to undertake such monitoring and meet other 'mental health core standards', which the Stevenson- Farmer review believed all organisations in the country to be capable of implementing quickly?

Prior to the meeting, the Director of HR had disseminated the following response:

The Council's approach to managing mental health is dealt with in a number of ways, namely:

1. Training for managers on Managing Employee Ill Health is delivered in house to managers. The training provides managers with practical advice and guidance on how to manage employee ill health and includes information on how to manage stress and depression, as well as other mental health

conditions. In addition, mental health awareness sessions have been arranged for both staff and managers. We are also looking at commissioning mental health training for accredited first aiders in the Council.

2. The Council recognises good practice and HR will routinely advise managers on the use of the Health and Safety Executive (HSE) Stress Tool where sickness absence, connected to work related stress has been identified. This tool helps managers to identify the stressors so that the manager and employee can work through the areas of concern in order to support and assist them.

3. The Council, through its Occupational Health contractor, provides an Employee Assistance Programme, whereby employees and their families can access free confidential telephone counselling 24/7. In addition, and where this has been recommended, the Council can also provide face to face counselling sessions.

The Director of HR stated that he had studied the document that was referred to in the link on the question provided by the Vice Chairman. The document outlined good practice but did not contain elements relating to any legal duty for the Council. He felt that for the most part, LBB was already working in line with the recommendations. He highlighted that LBB had been working with Nicola Musto to help spread awareness of mental health and well-being issues throughout the Council. Ms Musto's training in this area had been supported by the Council and it was the case that a conference regarding mental health was being arranged shortly. It was hoped to invite Prince Harry or Prince William, or possibly the Duchess of Cambridge; alternatively a representative of their mental health charity 'Heads Together'.

A Member asked if the Council consulted with employees to ask them how they were doing. The Director of HR replied that a survey of this nature had been undertaken in the past, and a new one was about to be undertaken by ACAS. This had been one of the recommendations that had previously been advocated by the Departmental Representatives. Additionally, the Council was now in the process of asking employees leaving the Council to complete a last opinion survey so that relevant feedback and information was relayed back to the Council from employees that were leaving. A six monthly 'On Boarding Survey' would also be run for existing staff so that the Council could receive up to date feedback from employees.

The Vice Chairman was pleased to note the involvement of ACAS and the Departmental Representatives in the implementation of a new independent staff survey, she asked if the unions could also be involved in this. She highlighted that the prevention of mental health issues was very important, rather than just responding to incidents when they arose. The idea should be that through the effective monitoring of staff health and well-being, individuals could be helped before they developed serious mental health issues or reached a crisis point.

The Director of HR clarified that the ACAS survey would be generic and not limited to mental health issues.

The Director of HR expressed the view that the best monitoring tool was to effectively equip/train managers so that they were able to identify possible mental health problems with their staff at an early stage. They should also be equipped so that they knew how to respond effectively should the need arise.

A Member welcomed the positive comments and feedback that had been received from the Staff Side and observed that the previous minutes had noted that LBB had a low absence figure with respect to mental health issues. It was also the case that not all mental health issues were related to problems at work. He applauded the Director of HR for the mental health schedule that he had planned.

A Member asked if any special measures had been required due to the current heatwave. The Director of HR responded that managers had been provided with the relevant guidance and a flexible approach would be adopted with respect to employee dress.

6 DATE OF NEXT MEETING

The date of the next meeting was confirmed as 9th October 2018.

The Meeting ended at 7.00 pm

Chairman

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