



JOINT NEGOTIATING COMMITTEE

MONDAY 21 MAY 2012 AT 6:30 PM

GADE ROOM, CIVIC CENTRE, HEMEL HEMPSTEAD

MEMBERS:

Councillors: Ayling (no voting rights), Douris, D Rance, Sutton (Chairman), Whitman, Wood and C Wyatt-Lowe

TRADE UNION:

Will Cherry (Vice-Chair), Janet Colyer, Paul Farley, Maggie Harvey, William O’Gorman and Christopher Plested.

OFFICERS:

Janice Milsom, Assistant Director (Strategy & Transformation, Community & Organisation)/Chris Gordon, Group Manager (Performance, Policy and Projects); Matt Rawdon, Senior HR Officer; Helen Price, Corporate Safety, Health and Care Officer; and Pat Duff, Member Support Officer

AGENDA

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1. APOLOGIES FOR ABSENCE

To receive any apologies for absence

2. MINUTES

To confirm the minutes of the meeting held on 12 March 2012 (Appendix A, page 10).

3. MATTERS ARISING

To discuss any matters arising from the last meeting held on 12 March 2012.

4. HEALTH AND SAFETY UPDATE

(Helen Price, Corporate Safety, Health and Care Officer)

Dacorum Delivers

Action Recommendation:

‘A formal annual review / audit of all areas of the Health & Safety system should take place in order to ensure that procedures are being adhered to by each service area. The review should include all areas of the Council and findings should be reported to Senior Managers and the Corporate Management Team. Where areas of concern are identified, an action plan should be agreed in order to mitigate Health & Safety risks’

Health & Safety Priority 1 Action Progress Update

(Increased profile & focus of Health & Safety with Dacorum Borough Council)

Significant progress has been made on the implementation of the key objectives contained in the Health & Safety Action Plan 2011/2012, with specific focus applied to the completion of all Service Group Audit Programmes.

Dacorum Borough Council Health & Safety Strategy

DBC Health & Safety Strategy 2011 to 2013 has been documented, agreed by CMT and issued.

(Document is available via SharePoint in the Health, Safety & Wellbeing Zone).

Health & Safety Organisation Model

DBC Health & Safety Organisation Structure Model has been developed and agreed to identify all Area Safety Coordinators, Unison & Unite support to all Service Group Managers as appropriate (Structure Model attached).

Leadership Team Health & Safety Training

Two training courses delivered supporting all Corporate Directors, Assistant Directors and Group Managers, to cover Sensible Risk Management, Summary of Government direction (Good H&S – Good for Business), Scenario Exercise – Civil & Criminal Cases & lessons learned.

COG & AD Session = 20th March 2012.

Group Manager Session = 23rd March 2012.

Corporate Health & Safety Risk Assessment Process

Meetings completed with all Group Managers to support them in completing and submitting a review of their individual prioritized risk register and associated training needs for their service area.

Corporate Risk Register completed

Corporate Health & Safety inspections continue to be carried out across all 16 service groups.

Health & Safety Coordinator Roles & Responsibilities & Self Audit

Safety Coordinator Roles & Responsibility Guide documented and issued.

Safety Coordinator Self Audit Programme implemented. Ongoing internal audits being carried out by Corporate Health & Safety Officer.

Directorate Health & Safety DMT Review Meetings

All three Corporate Directors now hold quarterly Health & Safety reviews as part of their DMT review meeting programme, with an agreed and consistent agenda being followed.

Corporate Health & Safety Officer attends each month to support and monitor all H&S agenda items and risk assessment.

PROUD TO BE DACORUM

Helping People find better ways to deliver great work....

(Health & Safety Organisation Structure)

5. CAR USERS ALLOWANCE

(Janice Milsom, Assistant Director (Strategy and Transformation; Community and Organisation))

Background

In 2008 the Council introduced some fundamental changes to the Car Allowance Policy, which saw the introduction of a mileage threshold that employees had to achieve to receive 'Frequent car user allowance'. The drive for this change was necessary as there were inconsistent approaches in awarding this allowance which put the Council at risk from an equal pay perspective.

For information a frequent car user allowance equates to staff that complete 1000 business miles annually, receiving a £1,239 per annum and a mileage rate of 50.5p per mile. Low car user does not attract an allowance, but staff can claim mileage at 65p per mile.

Every financial year a review of staff mileage rates is carried out by Human Resources and staff can either lose or gain their frequent car user status.

Discussion Introduction

Recently the Council agreed with the Trade Unions to review this policy, as they had raised concerns over the criteria for eligibility. Their concerns mainly focused on the inequalities of the 1000 business miles threshold, in that some staff in the same team were required to use their vehicles on a daily basis (frequently), but do not meet the required mileage. This is apparent in Supported Housing Service (please see Annex A for example).

The Trade Unions have also raised that their members who do not qualify for the Frequent Car User Allowance are not suitably compensated yet they are required to use their vehicles to carry out business for the Council, this is compounded by the increasing costs of insurance, maintenance and wear/tear on the vehicle. The NJC mileage rates have also been unchanged for the past two years, whilst fuel costs have risen dramatically.

Human Resources have carried out some research on this subject and looked at approaches from other local authorities. The trade unions have also provided suggestions that are included in the options below. Full comments received from the trade unions are attached at Annex B.

In addition to the above, Assistant Directors have also been consulted on the options below as well as the Green Fleet Review Project Board. Key points made were that any change in policy should not encourage staff to use their cars inappropriately for business journeys, i.e. doing several short trips, when one longer trip would be more economical. It was felt that this was a key failing of the current policy in that the policy encourages staff to use their vehicles as often as possible to ensure the 1000 business miles threshold is achieved. The Assistant Directors felt strongly that any option moving forwards should be cost neutral and support the Council's sustainability objectives with regard to lowering CO2 emissions.

Options for Discussion

Option 1 – Take no action and continue with current policy

Comments/discussion points – employees would continue to either receive low car user allowance or frequent car user allowance dependent upon their business miles. Staff will only receive Frequent User Allowance if they have completed 1000 business miles in the financial year. This would not address the trade union concerns and staff would continue to feel aggrieved.

Costs - this approach would be cost neutral.

Option 2 – To reduce the mileage threshold so that staff who undertake between 500 to 1000 business miles are considered for the frequent car user allowance. The automatic qualification from frequent car user allowance to remain at over 1000 business miles

Comments/discussion points – Group Managers would have the discretion to award a member of staff who have undertaken between 500 and 1000 business miles the frequent car user allowance. There would be criteria within the policy that determined whether posts were eligible. Examples of these criteria could include:

- the post-holder being required to undertake daily visits;
- to regularly use their car at short notice and /or;
- to respond to emergencies on a daily basis.

This appears to be a popular approach with other Local Authorities and feedback is that it has been accepted well within the workforce. However, in practice this can lead to inconsistent approaches unless managers apply the criteria rigidly and the criteria are very clear.

Costs - over the last 12 months, there were approximately 28 people who carried out between 500 to 1000 business miles, if it was deemed that all of these post-holders met the criteria the maximum additional costs would equate to approximately £35,000 per annum (if all 28 people qualified)

Option 3 – To introduce a sliding financial scale for the frequent car user allowance payment

Comments/discussion points – this would see an introduction of mileage groups, so that staff would be financially compensated in relation to the amount of business miles they undertake. This concept has been approved by Unison, but the mileage groups and financial amounts would need to be determined.

Costs - to help understand financial impact, the following examples are suggested:

A: Group mileage allowances:

- 500 to 750 miles - £500 per annum
- 751 to 1000 miles - £750 per annum
- Over 1000 miles - £1239 per annum

Approximate additional costs - £16,500 (based on 28 employees).

B: Pro rata mileage. Rather than pay based on a defined number of miles via a threshold, to pay pro rata i.e. based on the actual number of miles per year for anyone who achieves over 500 business miles; based on the following calculation: **(£1,239 Frequent car user allowance p.a. / 1000 = 1.2)**

e.g.: 800 miles x 1.2 = £960 pa

556 miles x 1.2 = £667 pa

Approximate additional costs - £20,000 (based on 28 employees)

This approach may prove to be a fairer and its application would be consistent across the Council. However, it would require some further development prior to any implementation.

Option 4 – To lower threshold to 500 business miles per year rather than 1000 business miles

Comments/discussion points – the approach would simply see the qualification threshold reduced from 1000 to 500 miles.

Costs - this would impact approximately 28 people and the costs would be around £35,000.

Attachments:

Annex A: Staff feedback on Frequent User Car Allowance

Annex B: Trade Union Comments – March 2012

Annex A: Staff feedback on Frequent User Car Allowance

Re Car Allowance Review

Going back to 2010 the Council decided to remove the essential car allowance for employees and replace it with frequent use allowance. To receive this allowance employees now have to do 1000 miles a year.

As a Unison representative and a Supported Housing Officer (SHO) I feel this is very unfair. SHO's and Tenant Service Officers (TSO) have to provide a car to be able to do our job and many of us have been given patches where it makes it impossible for us to do 1000 miles a year.

In March 2011 Matt Rawdon (HR) promised a review in January this year but still we have heard nothing apart from an email stating he was looking into it.

Due to the fact we have to provide a car to do our jobs I would ask that an exception could be made for SHO's and TSO's. I would like to propose that the Council could reduce the mileage to 500 miles per year or pay a percentage of the car allowance according to the amount of miles we do per year.

This year I have done 719 miles, without the frequent mileage allowance I am going to have to account for the wear and tear on my vehicle for doing my job.

I do feel that the 5p difference on the fuel allowance between frequent and casual car user allowance is not compensatory.

I would like to ask the JNC to consider this.

Annex B: Trade Union Comments – March 2012

Frequent/Casual car users allowance

The English dictionary defines the word essential as “vitaly important, fundamental, the most important feature of a thing which defines its’ identity”.

Providing and using a vehicle is an essential part of the criteria within the job specifications for many of the posts within Dacorum Borough Council.

The English dictionary defines the word frequent as “recurring at short intervals, habitual, a repeated action”. Whereas, it also defines the word casual as “happening by chance, occasional”.

The Green Book (National Conditions) states:

Section 3, para 6.1 “Employees required to use their motor vehicles for the efficient performance of their duties will receive allowances for the use of their motor vehicles on business only after being so authorised by the local authority. The local authority may determine whether the use is casual or essential and the cubic capacity of the car considered appropriate”.

In the case of many staff, e.g. TSO’s and SHO’s, their duties cannot be performed without the use of a car, irrespective of the level of mileage attained.

6.2 states that “Essential users are those whose duties are of such a nature that it is essential for them to have a motor car at their disposal whenever required. If the employee uses a private car in carrying out those official duties then they shall be entitled to receive the lump sum and mileage rates”.

Tenant Services Officers and Supported Housing Offices are just two examples of those staff that fall within the definitions of ‘essential’ and ‘frequent’, as they are required to use their vehicles on almost a daily basis, but nevertheless some are not quite able to accumulate the 1000 miles required.

It is an expressed term within many of DBC’s terms and conditions of employment (contract) that the post holder is required to provide and use a vehicle in order to carry out the duties of the post. Since the change from “essential” and “frequent”, as they are required to use their vehicles on almost a daily basis, but nevertheless some are not quite able to accumulate the 1000 miles required.

It is an expressed term within many of DBC’s terms and conditions of employment (contract) that the post holder is required to provide and use a vehicle in order to carry out the duties of the post. Since the change from “essential” to “frequent and casual” users, as well as the introduction of the 1000 mile qualifying criteria to attain the frequent user’s allowance, many staff have experienced difficulty accumulating the required mileage. This has impacted highly on a number of staff due to the increasingly high costs of running a car with some now experiencing real hardship. Since July 2011 S.H.O.’s have through the restructuring process become responsible for delivering the service to clients within the community whose locality and spread is not within walking distance of their base, they are very often called upon to cover other schemes and community patches, attend meetings and case conferences where use of a vehicle is essential, regardless of how many business miles are accrued.

The increase in 2011 of the casual mileage allowance does not compensate for the expenditure experienced by some staff, and in order to reach the amount of Essential

user's allowance that has been lost, an employee would have to complete in excess of 1900 business miles per annum. Notwithstanding this loss the introduction of the 60p+ allowance then places the employee in a situation where tax implications occur as the allowance is above the threshold. These employees have not only suffered the loss of £1K+ but also have to hand more of their hard earned salary to the Inland Revenue, a double whammy for those on low salaries.

Those members of staff who are required to use their vehicles in order to carry out the business of the Council must be suitably compensated to take into account increasing insurance, maintenance, running costs and wear and tear on the vehicle, the casual mileage allowance alone is neither sufficient nor fair.

The majority of staff who are required to supply and use their own vehicles to carry out their duties are low paid women, and as such are less likely to be able to afford to maintain their vehicles to a good standard, which places them at greater risk of breakdown and also potential assault.

Is it appropriate that an employee who is contractually required to supply and use a vehicle on a daily/regular basis in order to carry out the business of the Council, yet does not quite achieve the required 1K business miles to be designated as a 'casual user'? Whereby another employee who is only required to use their vehicle on an occasional basis, but may actually accrue £1K business mileage in much fewer journeys, be designated as a 'frequent user' and receive the associated allowance.

We are aware that Unison launched legal proceedings against DBC on behalf of employees, whose essential user's allowance had been removed, resulting in compensation being paid and the Council committing to review the situation in January 2012, which it is understood Matt Rawdon is currently working on. In light of this and the content of Section 3, para 6.2 of the Green Book, we propose the DBC give full consideration to introducing a sliding scale regarding the frequent user's allowance, e.g.

Up to 250 business miles	£250
250 - 500 business miles	£500
500 – 750 business miles	£750
750 – 1000+ business miles	£1000

Plus frequent user's mileage allowance, would be considered fair and equitable.

6 ANY OTHER BUSINESS/FUTURE WORK PROGRAMME

To discuss any other business that may have arisen since the last meeting/any future agenda items.

7. DATES OF FUTURE MEETINGS

Meeting Date – start time 6.30 pm	Date agenda to be circulated
Monday 3 September 2012	Monday 13 August 2012
Monday 3 December 2012	Monday 12 November 2012
Monday 12 March 2013	Monday 20 February 2013

JOINT NEGOTIATING COMMITTEE

MONDAY 12 MARCH 2012

MINUTES OF THE MEETING

Attending:

Councillors:

Sutton (Chairman), Ayling, Douris, Whitman, Wood and C Wyatt-Lowe

Trade Union: Janet Colyer, Jim Doyle, and Will Cherry (Vice Chair)

Officers: Janice Milsom, Assistant Director (Strategy & Transformation, Community & Organisation), Helen Price, Corporate Safety, Health and Care Officer and Pat Duff, Member Support Officer (Minutes)

The meeting began at 6.31 pm

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Paul Farley and Maggie Harvey.

2. MINUTES

The minutes of the meeting held on 12 December 2011 were agreed by the members present and were signed by the Chairman.

3. MATTERS ARISING

There were no matters arising.

4. HEALTH AND SAFETY UPDATE

The Corporate Safety, Health and Care Officer gave the following updates on the priorities detailed in the report:

1. Priority 1, detailed health and safety roles and responsibilities – a programme of risk controls had been set.
2. Priority 2, departmental risk reviews – top corporate risks had been identified and a Corporate Prioritised Risk Register had been compiled to enable managers to take control of risks in priority. Red risks were high risk activities that needed controlling.
3. Priority 2, corporate risk control procedures – corporate risk controls were being written e.g. driving for work and construction property risks. This would allow managers to manage risks with a consistent approach.
4. Priority 2, organisation training needs analysis – training needs for the coming year had been identified. A Corporate Training Analysis had been created of all courses available for 2012-13.

5. Priority 3, safety management procedures – these were complete and ready.
6. Priority 2, communications strategy – this had been completed.
7. Priority 2, health and safety performance management reporting system (using CorVu) – work was beginning on that.
8. Priority 2 – monitoring of the safety management system – departmental Health and Safety Committees were beginning to take place. The Corporate Health and Safety Committee would oversee these.
9. Priority 3 – audits and reviews of the current health and safety management system – the audit programme was largely completed, the rest were imminent.
10. Priority 2 – health and safety management for all levels of management from CMT downwards – training for CMT was taking place on 20 March with a similar session on 23 March for Group Managers.

Councillor Douris asked that more up to date updates be included in the report.

Councillor C Wyatt-Lowe asked if the risk register would be coming to the committee and how many of the items were red.

The Corporate Safety, Health and Care Officer said that it could be made available and would be placed on Sharepoint so that all Group Managers could access and update it. There were some red items but, even with all the health and safety controls, high risk activities would always have a level of risk attached and these needed to be controlled.

W Cherry asked for it to be emailed to the Trade Unions as they needed to know what controls were required to safeguard employees. The Trade Union input should be valued as they had worked hard to raise peoples' awareness.

Councillor Douris asked if any of the red risks were showing a negative direction of travel.

The Corporate Safety, Health and Care Officer replied this would be reviewed quarterly and this was just the first quarter.

J Doyle said compilation of the register had been a very efficient and productive piece of health and safety work and asked if there was a Safety Co-ordinator for each area and if there was a list identifying them.

The Corporate Safety, Health and Care Officer advised that the Safety Co-ordinator's role was to assist the Group manager in some administrative tasks e.g. collecting and ensuring VDU risk assessments were done and filed, check drivers licences and business insurance. Group Managers had overall responsibility for all services beneath them and for ensuring that Safety Co-ordinators were working well with the Corporate Safety, Health and Care Officer. The Group Managers should report on the progress of their action plans at their quarterly meetings.

J Doyle asked who oversaw and implemented the risk register and if the councillors were involved.

The Corporate Safety, Health and Care Officer said that the minutes of the Group Managers' meetings would go to the Corporate Health and Safety Committee, whose minutes would go to CMT. All actions had to be achievable and if progress was not happening, that would be reported through CorVu and this information would reach CMT.

J Doyle expressed concern about how the actions were going to be monitored and pursued.

Councillor C Wyatt-Lowe asked if the information would be included in the quarterly performance report that went to the Overview and Scrutiny Committees and to Cabinet.

Councillor Douris said that concerns had been raised about attendance at Health and Safety Committees. A number of risk monitoring activities went to the Overview and Scrutiny Committees and to the Audit Committee. The monitoring was there and it rested with the relative Overview and Scrutiny Committees who had to be alerted to the risk.

Councillor Sutton suggested that each Overview and Scrutiny Committee had an item on the health and safety risks.

This was agreed.

W Cherry asked how information could be fed back to councillors if it was being run from Hertford. The outsourcing was a potential risk.

J Doyle asked what the future of the Corporate Safety, Health and Care Officer's role was.

The Assistant Director (Strategy and Transformation; Community and Organisation) advised that a report would be going to Cabinet at the end of April with proposals to enter into joint working with Hertfordshire County Council. The reporting had been pushed down to managers and this would not change. The health and safety service provided by the Corporate Safety, Health and Care Officer was an advisory one and this should be maintained. The service would be part of the Service Level Agreement that would be considered in April.

Councillor Wyatt-Lowe asked if the Corporate Safety, Health and Care Officer would be the liaison between the Council and Hertfordshire County Council.

The Assistant Director (Strategy and Transformation; Community and Organisation) said nothing had been decided yet.

J Doyle said that, as part of the consultation, the Union should be able to see the Service Level Agreement.

The Assistant Director (Strategy and Transformation; Community and Organisation) agreed this could be possible.

J Doyle asked if funding of training for Safety Co-ordinators was included in the funding for staff development.

The Assistant Director (Strategy and Transformation; Community and Organisation) said the health and safety budget was largely used for first aid training and training at Cupid Green. Any further budget came from the corporate budget.

The Corporate Safety, Health and Care Officer said that some externally run courses could cost £800.00 per delegate and it was cheaper to buy a licence and make the course available to more people.

J Doyle asked if the Safety Co-ordinator was supported from Staff Development.

The Assistant Director (Strategy and Transformation; Community and Organisation) said it was this year. The budget was not lost this would be checked and a breakdown provided.

Action

1. The Risk Register to be emailed to committee members and the Trade Unions, in colour and marked with r (red) ,g (green) and a (amber) – **HP**
2. Overview and Scrutiny Committees be asked to have an item on the health and safety risks – **HP**
3. A breakdown of the budget for Safety Co-ordinator training to be provided – **JM.**

5. FUNDING OF STAFF DEVELOPMENT

The Assistant Director (Strategy and Transformation; Community and Organisation) summarised the report and gave assurance that funding for staff development had continued at the Council. The Cabinet and Chief Officers supported this. A lot of authorities had reduced their budgets.

The topics covered in the Corporate Training Budget came from staff appraisals and these were fed up to the Corporate Training Programme – classroom style. In addition, the Council paid for licences for each member of staff to have access to e-learning opportunities – many from home. This would be continued.

Service training budget as set out in the table on page 6 of the report was for professional training and would be targeting professional development e.g. planners and accountants.

Managing the Council's change programme had gone down to Team Leaders. An evaluation would be done.

The budget was still well supported. There was a deliberate under spend this year as it was unknown how far down the organisation T3 would go. There was still a training reserve but it was felt that next years budget allocation would be sufficient.

Councillor Ayling said Councillor Rance's question from the last meeting had been answered. The Council's commitment to training and development was shown in the report. Despite the number of employees being reduced, the level of training budget had increased.

Councillor Douris asked if there was anything to show that, when an employee had received training, they remained with the Council for a longer period than if they had not received it.

The Assistant Director (Strategy and Transformation; Community and Organisation) said this had not been measured. If the Council funded a professional training course, the employee had to sign a form saying they would stay with the Council for two years or pay back the funding for the training. All staff had individual training records.

W Cherry expressed concern about e-learning as some staff did not have access to a computer and it lacked motivation. W Cherry also asked the cost of it.

The Assistant Director (Strategy and Transformation; Community and Organisation) said the e-learning licence cost £5,400.00 for all users, including members. Regarding motivation, the younger people found it natural to log on to learn skills. Tutors brought in would take on a maximum of 15 people at a time and it was very expensive. E-learning had been actively promoted with lunchtime drop in sessions available. Employees could ask for time off to do it. There was an interesting concept funded by Improvement East where local authorities were developing their own e-learning programmes and sharing them.

J Doyle supported the move towards more e-learning, especially with more people working from home in the future. The Council would be spending more money to develop fewer staff. It was essential that some money was allocated to the training of Health and Safety Co-ordinators.

Councillor Sutton agreed that e-learning gave a more consistent standard of tuition.

J Colyer felt there should be inter action between the manager and the member of staff to avoid the problems of access and computer literacy.

Councillor Sutton said that e-learning gave fairness to all but concerns had been noted.

Councillor C Wyatt-Lowe said every young person was familiar with computers. The Council needed to ensure older staff were given every opportunity to access e-learning as it was the way forward and was money well spent.

6. SERCO – FACILITIES MANAGEMENT

The Assistant Director (Strategy and Transformation; Community and Organisation) circulated a paper that detailed the consultation that had taken place with staff, meetings with Serco and meetings with Unison.

Responses to the consultation would be incorporated into the report and into any subsequent contract documentation.

Staff bulletins – Dacorum Delivers, were sent to all staff. Personal information was to be sent to Serco as, if the transfer went ahead, Serco would need up to date information on staff.

Human Resources and the Shared Services Project Team had been meeting weekly with Unison to update them.

W Cherry was happy with the report. Anything further would be said by Unison at the Cabinet meeting.

Councillor Sutton was pleased that, following concerns expressed at JNC in December, there appeared to be a thorough consultation process and said he would like to think that all those who had been consulted had said what they wanted to say and took part in the process. The Councillor hoped everyone was satisfied that the correct process had been followed through.

7. ANY OTHER BUSINESS/FUTURE WORK PROGRAMME

7.1 Membership of the Committee

J Doyle announced that he was standing down from the committee and that this was his last meeting.

W Cherry moved a vote of thanks to J Doyle from the committee.

This was agreed.

Councillor Sutton said J Doyle would be missed.

7.2 Future Work Programme

J Colyer circulated a paper regarding the Frequent/Casual Car Users Allowance.

Action

J Colyer to work with the Assistant Director (Strategy and Transformation; Community and Organisation) to bring a report on Car Users Allowance following concerns expressed to J Colyer about the removal of the Essential Car Users Allowance.

8. DATES OF FUTURE MEETINGS

Meeting Date – start time 6.30 pm	Date agenda to be circulated
Monday 21 May 2012	Monday 30 April 2012
Monday 3 September 2012	Monday 13 August 2012
Monday 3 December 2012	Monday 12 November 2012
Monday 4 March 2013	Monday 11 February 2013

This was agreed and noted.

The meeting ended at 7.35 pm