



JOINT NEGOTIATING COMMITTEE

AGENDA

MONDAY 8 DECEMBER 2014 AT 6.30 PM

GADE ROOM, CIVIC CENTRE, HEMEL HEMPSTEAD

MEMBERS:

Councillors: Adeleke, B Chapman, Harden (no voting rights), McLean, D Rance, G Sutton, and Whitman.

TRADE UNION:

Will Cherry (Chairman), Dean Lloyd, William O'Gorman, Christopher Plested and Roger Wallage.

OFFICERS:

Paul O'Day, Corporate Health and Safety Lead Officer; Matt Rawdon, Group Manager (People); Anne Stunell, Human Resources Team Leader; and Pat Duff, Member Support Officer.

Agenda Item

Page No.

1.	Apologies for Absence	2
2.	Minutes	2
3.	Matters Arising	2
4.	Health and Safety Update	2
5.	Time Off for Training	4
6.	Industrial Injuries	4
7.	Disability Leave Policy	4
8.	Any Other Business / Future Agenda Items	10
9.	Dates of Future Meetings	10

Appendix A	- Minutes of the Joint Negotiating Committee held on 8 September 2014	11
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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 8 September 2014 (Appendix A, page 11).

3. MATTERS ARISING

To discuss any matters arising from the last meeting held on 8 September 2014.

4. HEALTH AND SAFETY UPDATE

First Aid Provision at the Civic Centre

Current list of first aiders for the Civic Centre can be found on the front page of the intranet current 5.

A drive to recruit new First Aid volunteers has resulted in 23 volunteers to date – those who have volunteered will be advised in due course as to when the 1 day and 3 day courses will run.

If staff wish to be added to the reserve list please contact Paul O'Day x 2472 or via email Paul.ODay@dacorum.gov.uk

Fire Warden Training

So far 3 fire warden training sessions have been provided these were intended for the leadership:

3rd Nov 11am – 14 attended
10th Nov 10am – 10 attended
10th Nov 3pm – 16 attended

Mop up sessions have also been scheduled for those who could not attend and for existing wardens

10am and 3pm on Thursday the 13th Nov 2014
10am and 3pm on Tuesday the 18th Nov 2014

So far 12 attendees are scheduled to attend

Evacuation Chair Personnel

Unfortunately despite an appeal requesting evacuation chair personnel there have only been two volunteers (Sue Prowse and Louise Fuller), again the current provision is very poor, so if any staff wish to volunteer (training will be provided)

A demonstration will be held shortly by Tracey Simmonds and Paul O'Day to show how easy it is to use these chairs – look out for email/noticeboard message

Likewise if staff wish to volunteer please contact Paul O'Day x 2472 or via email Paul.ODay@dacorum.gov.uk

Level 2 Principles of Health & Safety Risk Assessment

3 courses are available 14th Nov (7 attending), 12th Dec (13 attending – 2 spaces left) and 16th Jan (15 Attending now full) see EIS for further details – this is free and suitable for team leaders, supervisors or other staff that need to undertake H&S risk assessments. The course is a full day and lunch is provided.

Given that the courses are now full or nearly full, if team leaders and group managers require additional dates contact Paul O'Day x 2472 or via email Paul.ODay@dacorum.gov.uk giving an expression of interest

DSE/Workstation Assessments

A new software package is likely to be implemented soon, therefore a freeze has been put on completing the paper 'Home worker (Self Assessment)' form.

Update on Health & Safety Action Plan

- **Corporate H&S Committee resurrected and currently meet monthly.**
Terms of reference agreed
Report to CMT

Group consists of:

David Austin
Elliott Brooks
Craig Thorpe
Linda Dargue
Matt Rawdon
Chris Troy
Paul O'Day
Jim Doyle
Mark Housden
Fiona Williamson
Ben Hosier
Tony Moore

Sub groups (which feed into the main Committee) formed which include:
Unions
Service Providers
HR
Occ Health

- Issues regarding Health & Safety should be raised via the main committee or sub-group via the representative of the committee or sub group, or via a team leader/group manager of a service to Paul O'Day.
- **H&S Presentation given to CMT on the 16th Sept 2014**
On DBC's duties under The Health & Safety at Work etc. Act 1974
- **Accident and Incident Management System**
developed on Civica, unfortunately not had time with Steve Reeves to run reports off, once this is working ok for the paper records currently entered the next stage is to make the system paper free.
- **Health & Co-ordinators** role on hold
When their roles and function has been agreed by the Health & Safety Committee this item will be progressed with updates to follow

- **Health & Safety Assistant post gone to advert** – expression of interest from an internal candidate closing date 17th Nov
- **Fire Evac procedure for Civic Centre near completion** – fire drill expected in Nov 2014 as the Fire Evacuation procedure has had to be re-written due to Unit B decamp, it is close to being finalised (by the time of the meeting it will have been completed and put on the Document Centre).

5. TIME OFF FOR TRAINING

We had two new UNISON representatives elected at the Branch AGM in February 2014, but local management has refused to allow any time off for their training.

One of the representatives had to use his annual leave for training. We would like to ask that the Council allows time off for training for union representatives as has been the case in the past.

6. INDUSTRIAL INJURIES

We would like any absence due to industrial injuries not to count towards the sickness absence targets in the Absence Management Policy. Members of staff should not be disciplined as a result of absence due to industrial injury. We would like to see the Absence Management Policy amended accordingly.

7. DISABILITY LEAVE POLICY

We would like to see the Council adopt a Disability Leave Policy. A draft model policy is attached.

DRAFT
Agreement on
Disability Leave

This Agreement is made between

Dacorum Borough Council

and

Dacorum Branch of UNISON

This agreement comes into force on:

This agreement will be reviewed on:

Signed on behalf of Dacorum Borough Council

..... Date

Signed on behalf of Dacorum Branch of UNISON

..... Date

1 Introduction

1.1 The purpose of this agreement is to provide disabled employees with reasonable paid time off work for reasons related to their impairment.

1.2 This agreement covers all disabled employees of Dacorum Borough Council (see section 5) and sets out what disability leave is available and the procedures for using it (see section 6).

1.3 This agreement complements, but is not restricted by other equal opportunities policies and agreements.

2 General Principles

2.1 Disabled people face discrimination and disadvantage in the workplace and society. The skills and experience of disabled employees are highly valued and UNISON and Dacorum Borough Council are committed to supporting disabled employees by removing access barriers, tackling discrimination that they face, and implementing best employment practice.

2.2 Dacorum Borough Council and UNISON are committed to resolving any issues relating to disabled employees by negotiation and agreement where possible, and avoiding recourse to Employment Tribunals.

2.3 In accordance with the Equality Act 2010 Dacorum Borough Council will not discriminate against disabled employees but will consider and accommodate all reasonable adjustment needs.

2.4 In accordance with the Equality Act 2010 Dacorum Borough Council will work actively to eliminate discrimination against and harassment of disabled people, promote positive attitudes to disabled people and encourage disabled people to participate in public life.

3 What is disability leave?

3.1 Disability leave is paid time off work for a reason related to someone's disability. It may be for a long or short period of time, and may or may not be pre-planned (see section 6).

3.2 The Equality Act states that the duty to make reasonable adjustments requires employers to take positive steps to ensure that disabled people can access and progress in employment. This goes beyond simply avoiding treating disabled workers, job applicants and potential job applicants unfavourably and means taking additional steps to which non-disabled workers and applicants are not entitled.

3.3 Disability leave should be considered as a "reasonable adjustment" under the Equality Act, and is in accordance with good employment practice as recommended by the Equality and Human Rights Commission. However, not all disabled employees will necessarily need to take disability leave.

3.4 Disability leave will not be included for the purposes of assessing performance, promotion, attendance, selection for redundancy, and similar issues. To do so might discriminate against the disabled employee.

3.5 There is no maximum duration of disability leave, with advice from Occupational Health and in consultation with the employee, UNISON and other relevant parties the length and frequency of Disability Leave may be anticipated.

3.6 In rare situations it may become clear that the employee is not being able to return to their previous job. In this case other reasonable adjustments, including redesigning the job, retraining and redeployment, will be considered. Where no other option is possible consideration will be given to ill health retirement.

4 Disability leave and sick leave

4.1 Disability leave is distinct from sick leave, and includes time when an employee is well but absent from work for a disability-related reason.

4.2 If an employee is on sick leave and it becomes clear that they now qualify for disability leave, they will be transferred onto disability leave.

4.3 If time off work due to ill health is for a reason not disability-related, then it will be recorded as sickness absence under the standard sickness management policy and procedure.

4.4 A high level of sickness absence for an employee may be associated with a new situation of a person's disability. This possibility will be investigated and may trigger a change in the person's status to being disabled; absences that are disability related will be reclassified as disability leave and amendments made to the sickness management records.

5 Who is entitled to disability leave?

5.1 All employees who are disabled using the definition in the Equality Act are entitled to disability leave.

5.2 The Equality Act 2010 defines disability as "a mental or physical impairment that has a substantial and long-term effect on a person's ability to carry out normal day-to-day activities". "Long-term" typically means 12-months or more, and HIV infection, cancer, and multiple sclerosis are included from the point of their diagnosis.

5.3 People who have had a disability in the past but no longer have one, still qualify as disabled under the Equality Act 2010 and are entitled to disability leave for disability related absences.

5.4 Disabled employees may choose to inform Dacorum Borough Council and Occupational Health that they are disabled. While this is not obligatory, it is recommended that they do so to facilitate making reasonable adjustments. This information will be kept confidential.

6 Disability leave procedure

6.1 The effect of an impairment depends on the individual and their circumstances. To accommodate this requires some flexibility, so employees may take planned disability leave or unplanned disability leave, as appropriate.

6.2 Disability leave is one of a range of possible reasonable adjustments, also included are working from home and flexible working.

6.3 Where disability leave is needed, agreement must be reached on the approximate number of days and approximate date of the leave. This may not be exact but will help in planning service delivery and managing the needs of other staff.

6.4 Planned disability leave is agreed in advance. It may be a number of individual days each year that a disabled person needs to take off. Typically this would be for treatment,

rehabilitation or assessment related to their disability. It may also be a longer block of time needed for a specific reason, as indicated in 6.4.3.

6.4.1 The procedure for agreeing planned disability leave is as follows:

6.4.1.1 First stage

The disabled employee will meet with their Manager on a confidential, individual basis and discuss what reasonable adjustments they need, and the effect of the disability on performance objectives. Employees may choose to be accompanied by a union representative.

6.4.1.2 If agreement cannot be reached then the procedure goes on to the second stage.

6.4.1.3 Second stage

Further evidence and advice will be sought before a formal meeting. Information will be sought from other parties to help determine what constitutes a reasonable adjustment in the specific circumstances. This will include some or all of:

- a GP or specialist's report (with the employee's consent)
- a report from Occupational Health (with the employee's consent)
- other information from the employee
- advice from Human Resources
- consultation with a UNISON representative
- advice from the Disability Employment Advisor at the local Job Centre Plus or another Department for Work and Pensions' resource
- Advice from specialist organisations with expertise in the field of the employee's particular impairment or condition.

6.4.1.4 A meeting will then be held that will include the employee, the manager, a representative from Human Resources, and a trade union representative. All the evidence will be circulated to attendees prior to the meeting.

6.4.1.5 The following issues should be considered:

- is the employee disabled under the Equality Act 2010 ?
- the effectiveness of the proposed adjustment
- the practicability and cost of the proposed adjustment
- the resources of Dacorum Borough Council and other financial assistance available (for example, Access To Work funding)

6.4.1.6 The impairment itself (as opposed to its relationship with the work environment) should not be considered, as it may be discriminatory to do so.

6.4.1.7 If agreement still cannot be reached then the employee has the option of utilising the grievance procedure.

6.4.2 Some examples of reasons for planned disability leave include (but are not limited to):

- hospital, doctors, or complementary medicine practitioners appointments
- hospital treatment as an outpatient
- assessment for such conditions as dyslexia
- hearing aid tests
- training with guide or hearing dog
- counselling/therapeutic treatment

- appointment time and recovery period relating to blood transfusion or dialysis treatment
- physiotherapy (sessional or residential)

6.4.3 A longer block of disability leave might be also appropriate. This could be so that a newly disabled employee can make changes inside and outside of work; while physical or environmental adjustments are being made to an employee's work environment; or if an employee has to undergo a more prolonged period of treatment, rehabilitation or recuperation.

6.4.4 Some examples of longer disability leave include (but are not limited to):

- a period of time off work while reasonable adjustments are made at work
- an operation, and recuperation and rehabilitation afterwards
- time while the employee is suffering from depression, stress, or mental illness
- a phased return to work or period of time off work for an employee who is newly disabled

6.5 Unplanned disability leave covers disability-related absences that may previously have been recorded as sick leave. Not to separate disability leave from sick leave may discriminate against disabled workers.

6.5.1 These will be recorded in the same way, but separate from, the sickness absence procedure, and clearly identified as disability leave.

7 Review of planned disability leave

7.1 Where disability leave is agreed, it will be reviewed on an annual basis to assist in planning. These reviews will be supportive, and will not be used to pressure employees into taking less disability leave than they need.

7.2 Staff who become disabled, or whose impairment or circumstances change, may request a review of their disability leave (or other reasonable adjustments) at any time.

8 Other Issues

8.1 If an employee is on disability leave for more than two weeks, their manager will brief them on their return to work of any changes that have occurred while they were off. In addition job advertisements, internal newsletters and similar materials will be sent to them in an accessible format so being on disability leave does not disadvantage them.

8.2 Consultation will take place at a local level about the impact of a member of staff taking disability leave, and if necessary centrally funded backfill will be provided.

8.3 Time spent on disability leave is counted as continuous service for all contractual benefits, including accruing annual leave, sick leave, pension rights and bonus.

8.4 Medical information about employees will be kept strictly confidential unless they agree to disclosure. Its use will conform to Data Protection.

8.5 The amount and duration of planned and unplanned disability leave will be recorded when it is actually taken, using designated forms.

8.6 Appeals about the amount of disability leave allowed, on correctly following the procedure, or on other aspects of this agreement will be dealt with under the grievance procedure.

8.7 Abuse of the disability leave scheme is a serious disciplinary offence, and will be dealt with under the disciplinary procedure.

8. ANY OTHER BUSINESS/FUTURE AGENDA ITEMS

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

9. DATES OF FUTURE MEETINGS

Meeting Date – start time 6.30 pm	Date agenda to be circulated
Monday 2 March 2015	Monday 9 February 2015
Monday 8 June 2015	Monday 18 May 2015
Monday 7 September 2015	Monday 17 August 2015
Monday 7 December 2015	Monday 16 November 2015
Monday 7 March 2016	Monday 15 February 2016

JOINT NEGOTIATING COMMITTEE

MONDAY 8 SEPTEMBER 2014

MINUTES OF THE MEETING

Attending:

Councillors: B Chapman, McLean, G Sutton (Vice-Chairman) and Whitman

Trade Union: Will Cherry (Chairman), Christopher Plested and Roger Wallage.

Officers: Anne Stunell, Human Resources Team Leader and Pat Duff, Member Support Officer (Minutes)

The meeting began at 6.30 pm

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:
Councillors Harden and Mrs D Rance; and
W O’Gorman.

2. MINUTES

The minutes of the meeting held on 2 June 2014 were agreed by the members present and signed by the Chairman.

3. MATTERS ARISING

None.

4. HEALTH AND SAFETY UPDATE

A report to be given to the next meeting.

5. CAR USERS POLICY

A Stunell advised that all policies had been reviewed. Annex A of the report detailed the Staff Car Leasing Scheme. There were no changes. The Chief Officers’ scheme and car allowances were shown at appendix B.

In May and June each year employees’ mileage is checked to ensure they are on the right rates.

W Cherry asked if there had been any amendments to the mileage allowance.

A Stunell said page 13 of the agenda showed the rates which had not been changed for years. Procurement was reviewing the Staff Car Leasing Scheme to ensure the policy was put into practice.

Councillor B Chapman asked if the Council had the option of just supplying the car rather than giving a choice.

A Stunell said band 11 and above could take the money or take a car. If you came in on band 11 you have to wait 6 months to order a vehicle. When an employee leaves, if there is money left to pay on a vehicle, Procurement try to see if there is someone else who would like the vehicle to save money. People were expected to choose reasonably. No cars were precluded within reason and as per the policy and employees were allowed to top up their allowance.

Councillor Whitman said there should not be so much choice and perhaps the Council should supply just one make of car.

Councillor Sutton said single leasing companies dealt with different makes of car.

Councillor McLean asked how many cars were leased and how many staff were eligible for an allowance or a car.

A Stunell replied band 11 and above plus other people who met the mileage requirements for work as per the policies. In terms of frequent car users, the figures could be found.

Councillor McLean said if the Council was promoting a car scheme it makes more car usage and suggested emissions could be looked at.

Councillor Sutton asked that future reports should detail frequent and casual users and changes to the policy. Council policy should be based on emissions rather than car values.

ACTION:

A Stunell to raise the emissions question with Procurement.

OUTCOME

That the report be noted.

6. DISABILITY LEAVE

W Cherry said since the last meeting it was considered that the wording in place was fair. The main consideration was consistency between managers.

A Stunell said no employees had raised concerns and as far as she was concerned people were treated fairly and were treated under the Equality Act if necessary.

A Stunell met with the Group Manager - People and HR Lead Officers recently to look at all long term sickness employees and to discuss cases. The policy is there for managers to follow and HR support.

Councillor B Chapman said if the manager was not the proper person (AS1) an employee should be able to go to another person and this was covered by the Absence Management Policy.

A Stunell said the Sickness Policy had been looked at and there were some clarifications to be made. The managers involved at different stages of the period of sickness was in the policy. These policies were being reviewed constantly.

W Cherry said there was a need for equalities awareness training as managers did not recognise disabilities such as deafness.

A Stunell said equalities training was mandatory for new staff.

R Wallace said he thought it was Council policy to employ people to do the job regardless of disabilities.

A Stunell said the Council was an equal opportunities employer, we use the 2 ticks symbol on our communications and ensure that all employees are treated fairly regardless of their protected characteristics.

7. ANY OTHER BUSINESS/FUTURE AGENDA ITEMS

The following items to be considered at the next meeting:

- Health and Safety Update – P O'Day
- Time off for Training – W Cherry/A Stunell
- Industrial Injuries - if someone was injured at work is he put on a target or is it at a manager's decision?- W Cherry/A Stunell

8. DATES OF FUTURE MEETINGS

Meeting Date – start time 6.30 pm	Date agenda to be circulated
Monday 8 December 2014	Monday 17 November 2014
Monday 2 March 2015	Monday 9 February 2015

This was agreed and noted.

The meeting ended at 7.06 pm.