

MINUTES
JOINT NEGOTIATING
9 OCTOBER 2017

Attending:

Councillors: Councillor Chapman (Chairman)
Councillor Brown
Councillor Taylor
Councillor Whitman
Councillor C Wyatt-Lowe.

Trade Union: N Cooke, Regional Organiser, Unison
M Nix, Branch Officer, Unison
D Lloyd, Trade Union Representative, Unison

Officers: M Brookes, Solicitor to the Council
R Smyth, Assistant Director, Performance, People and Innovation
M Rawdon, Group Manager, People and Performance
P O'Day, Corporate Health and Safety Officer;
A Stunell, Human Resources and Organisational Development
Team Leader,
R Twidle, Member Support Officer (Minutes)

The meeting began at 6.30 am

15 APOLOGIES FOR ABSENCE

None.

16 MINUTES

The notes of the meeting held on 26 June 2017 were agreed by the members present and signed by the Chairman.

17 MATTERS ARISING

None.

18 PROPOSED CHANGES TO T&C'S

Cllr Chapman proposed bringing item 7 forward, which was agreed by the Committee. Cllr Chapman introduced the item, which were the proposed changes to Dacorum Borough

Council's (DBC) employee Terms & Conditions (T&C's). He invited the Trade Union (TU) Representatives to submit their case. N Cooke said that as set out in the letter to the Chief Executive (CEO), the TU considered that DBC were in breach of their own procedures, and that because of this, the changes were null and void.

N Cooke said that the TU had been engaged in negotiations with the Senior Management Team (SMT) for some time. He said there had been three/four meetings, which had been very pragmatic and the TU understood the rationalisation, and had accepted the majority of the changes. However, he said that they had consistently taken issue with the proposed changes to the redundancy rate. N Cooke said that throughout the process, they had tried to resolve this matter without going into dispute (e.g., mediation with ACAS, Joint Secretaries, or Local Employers Association). N Cooke said that at the last meeting, which was meant to be about the new Sickness Absence policy, they were told that DBC were going ahead with the changes. He said that at this point, he immediately wrote to the CEO, and went into dispute with the Council. He said that at this point, the status quo should prevail – and that at this time, this proposal should have been referred to the JNC. This was not done. Instead, he said, he received a letter from the CEO saying that this matter had been ratified. N Cooke said he believed that DBC had missed one of their own steps and that the decision should have been taken to the JNC, as elected members for consideration and resolution. N Cooke asked if the CEO had the right to disregard the TU's dispute letter and go straight to Council, without bringing it to the JNC.

M Brookes offered a comment to the Chairman on a point of procedure; he said that a letter addressing the points raised by N Cooke had already been sent by Sally Marshall, CEO. He said that it was not for the committee to look at the procedure that was followed, but instead whether the management's decision was appropriate; specifically the changes to the redundancy rate. N Cooke disagreed with this submission and said that the Committee had a right to decide whether the Council had followed the correct procedure. He asked what was the point of the JNC, if such a significant matter was not considered. Although he accepted that the decision of the Committee would not necessarily be binding, it could not simply be arbitrarily missed by the CEO.

Cllr Taylor asked M Brookes if N Cooke's understanding of the Committee was not quite correct; he said that although the Committee would discuss items that were brought before it, such as this matter, however it was Cabinet that would make the final decision. M Brookes confirmed this as accurate and said that the Committee effectively functioned as a consulting body where views were put forward and taken into account. M Brookes said that he thought the point that N Cooke was making was regard to the timing that the matter was brought to the JNC, however, he said that the CEO had agreed for this item to be presented to the Committee to allow for discussion.

N Cooke expressed concern that they were discussing a matter already ratified; he said that this effectively made this discussion redundant. M Brookes disagreed; he said that the management team had set out their case in the letter from the CEO. They were happy to explain how they had complied with the procedures; Cllr Chapman asked the TU Reps if they would like an explanation, which they confirmed.

R Smyth referred to the letter sent by the CEO, which noted a number of consultations about this matter. During this time, R Smyth said that at no point did the TU's request that it be referred to the JNC. R Smyth said that on 17 September, Cabinet made the recommendation to Council; this was due to be presented at the Council Committee on 27 September. R Smyth said the TU wrote to DBC on 26 September, but he said that because

of the consultation meetings that had already taken place, which included M Rawdon, himself and James Deane as Corporate Director, they considered that this met the criteria of parts one and two of the sub procedure, or the JNC procedure, that N Cooke was referring to. He re-iterated that the JNC only had the power to refer matters to Cabinet and Council. R Smyth said that both Cabinet and Council were fully aware of the TU's position on this matter, and that the decision was taken in light of this full knowledge. He said that DBC considered that the process had been followed, and that the spirit of what the TU would want from the JNC had been complied with; he re-iterated that this was contained in the CEO's letter addressed to N Cooke and Unison dated 6 October 2017.

M Nix wanted to add to this discussion that the changes to the redundancy rate had created an atmosphere of fear among members of workforce, particularly among older members. He also said that the TU Representatives were just given these changes with no explanation. He said there were real concerns that redundancies were imminent.

Cllr Chapman asked the Officers to reply. M Rawdon began by saying that he did not consider it fair to say the TU's had not been consulted on the T&C's - he said that numerous meetings had been held with Unison and Unite (he referred to staff briefings, Officers Groups to the whole of the workforce, four drop-in sessions, as well as information being sent to workforce about the consultations). M Rawdon said that these sessions had been well attended and disputed M Nix's comments about fear – he said that this was not the impression he had. He thought that the consultation process had been very meaningful. M Rawdon said that a number of things had been agreed, and he would not want this situation to affect the relationship going forward.

In response, N Cooke said that he accepted the consultation had taken place. However, his point was that when the TU went into formal dispute, the Council should have followed a separate disputes procedure that was distinct process to the consultations. He said having read the constitution of the JNC, he believed that this matter should have immediately been referred to it for discussion of the dispute – it should not have been sent to the Council for ratification.

M Rawdon said at the meeting of 8 September, both the Sickness Absence policy and the changes to the T&C's were discussed – both items were noted in advance within the invitation/agenda. He said that prior to the meeting, a number of consultations had taken place, and they had confirmed that the discussions had been fed back to the CEO and SMT, however at this particular meeting, they had confirmed that a final decision had been made by the Council in respect of the changes to the redundancy rate. M Rawdon said that at this point the TU has said if this was the Council's final decision, they questioned the point of bringing in a third party. M Rawdon said that DBC were then not contacted by the TU until 26 September (the day before full Council) when a letter was received saying they were in formal dispute. N Cooke disputed this, saying that he wrote the following day. M Rawdon did not agree, and re-iterated that the letter was dated 26 September.

Cllr Taylor disputed N Cooke's comments about the outcome being predetermined; he emphasised that Councillors did not attend meetings with a pre-determined view. Following N Cooke's comment that the decision had already been ratified, M Brookes confirmed that the CEO had made a commitment that if the JNC disagreed with the change, it would be referred back to Cabinet and Council for further consideration. N Cooke thanked M Brookes for this update; he added that they had not been advised of this.

Cllr Taylor also highlighted that the first letter from the TU contained within the agenda pack was dated 26 September; N Cooke said that he had written before this.

Cllr C Wyatt-Lowe asked N Cooke why the TU had not brought this issue to the JNC at any point in the process. N Cooke said that he took partial responsibility for not raising it to the Committee beforehand. He said that he became aware of the Constitution of the JNC after he was informed that the decision to change the redundancy rate had been ratified. He said that on reading it, he considered that the Council should have referred it when the TU were in dispute.

Both Cllr Chapman and Cllr C Wyatt-Lowe said that they believed the procedure had ultimately been followed, however they both considered it unfortunate that the matter was not raised at the JNC by either DBC or the TU.

M Brookes interjected at this point; he said it was not for the Committee to determine if the procedure had been followed; instead they were to consider whether the proposed change to the redundancy rate was correct, as well as a decision from the Committee as to whether it would need to be resubmitted to the Cabinet and Council. M Brookes invited the TU to submit their representations on this point.

N Cooke said that it was important to consider what redundancy was; it was essentially sacking someone for no fault of their own. He said that in that context, the redundancy payment was given to soften the blow. He said that he dealt with most of the Local Authorities in Hertfordshire, and that approximately 60% of them paid an enhanced rate. He said that in comparison to the other proposed changes to the T&C's, there was no logic behind the proposed changes to the redundancy rate; he said this felt like a race to the bottom. N Cooke said that they had not been advised what savings would be made from this change; only that £3.2m savings needed to be made from the Council's budget. N Cooke submitted that, overall, a drop from 2.2 to 1.5 in the redundancy rate did not represent significant savings to DBC, but were significant amounts to individuals. He said that the TU had been forced to run a consultation ballot because of this issue, which could result in industrial action. He considered that this would be a failure of all parties, and asked DBC to reconsider this decision.

M Rawdon said approximately six months before, that they had been asked to review staff T&C's. He said there was a need to make the staff package as attractive as possible, however this also needed to be balanced against a need to make savings of £3.2m. He said they completed extensive research and this indicated that DBC were paying a greater redundancy rate than other Local Authorities in the eastern region – most others were paying a rate of 1.5. M Rawdon accepted that 60% paid an enhanced rate, but he said, 1.5 was still an enhanced rate in comparison to the statutory redundancy rate. He referred to the briefing note, re-iterating the key points contained in the agenda pack. He noted in particular that the rate was above the public sector average of 1.16 weeks per year that had been identified in the 2016 Unison survey. R Smyth re-iterated the need to strike a balance between offering an attractive pay package, and making necessary savings, as well as emphasising that the new redundancy rate was above the statutory rate.

Cllr Taylor took issue with N Cooke's description of redundancy as "sacking someone for no fault of their own". He said that it was emotive language and not technically correct – he said the job was made redundant, not the person. N Cooke disagreed with this and said that it was a sacking in law.

Cllr C Wyatt-Lowe asked what the statutory redundancy rate was; R Smyth said it was a scale dependant on age:

22 years or less – 0.5 week pay per year worked;

22 – 41 years – 1 week pay per year worked;

Over 41 years – 1.5 week pay per year worked, but with a cap on weekly amount of £475.

M Rawdon added that in the last 6/7 years DBC had made very few individuals redundant – he said that approximately 2 or 3 a year. He said that they did not take redundancy lightly, and that in the short or mid-term planning, there were no large scale redundancy plans that he was aware of.

D Lloyd said that the general belief among staff that this was being done because redundancies were on the horizon. A Stunell said that DBC's policy was to redeploy rather than redundancy; this was backed-up by the figures over the years. R Smyth said that he wanted to re-iterate that this change was part of an overall programme of change.

N Cooke said that M Rawdon's comments had essentially made his point; if so few redundancies were made, no significant savings would be made – therefore, he asked what the financial incentive of this change was. He said redundancies were only a one-off payment; they would not have any impact on the £3.2m savings that needed to be made, and that over 20 years, it would be next to nothing. R Smyth said that they needed to be fair to the employees still in service, and re-iterated it was more than the statutory rate.

M Nix said that a significant portion of the workforce at Cupid's Green was an ageing workforce, over 41 years old; therefore according to R Smyth's figures, they were only receiving the statutory redundancy package. He added that the workforce believed that they were at particular risk of redundancy. Cllr C Wyatt-Lowe said that although she was concerned to hear that staff were worried, she believed that these fears were unfounded given that the local area had such high employment, employers often struggled to find staff. M Nix said that the point he was making was that staff were genuinely concerned.

Cllr Chapman asked if the TU had been giving full details of the package to the employees; N Cooke confirmed they had. Cllr Chapman also said, as per the briefing note, that Unison had effectively accepted a rate of 1.16 for other Public Sector members – he asked why they would then challenge a better rate of 1.5. N Cooke said that he had no idea how that figure had been arrived at, in view of the statutory figure for the over 40's. M Rawdon said that he understood that this was calculated by Unison, and that it made DBC compatible with other Local Authorities. N Cooke said it was not compatible with the rest of Hertfordshire, and that East Herts Council's redundancy rate was 2.6. M Rawdon questioned this as he said he did not have this information to hand.

At the invitation of the Chairman, N Cooke summarised that the TU's did not understand why this reduction was being done, or what it would achieve. He said he was concerned that this could result in the balloting of industrial action. Following the same invitation, R Smyth said that it was not a race to the bottom, however when reviewing the T&C's there were some elements that did not strike the right balance between current and future staff. Because of this, the T&C's had been revised with this in mind, and with the view to attracting and retaining staff. He re-iterated that it was above the statutory redundancy rate. M Nix asked if given this rate was the statutory rate for the over 41's (a group he said was most at risk of being made redundant), if there could be any compromise with this particular group.

Cllr Taylor said that having listened to both parties, he found himself on the fence. He said that he had completed some very brief calculations, in respect of an employee paid £500pw and had completed 20 years' service. He said that this person would see their redundancy package reduce from £22k to £15 with this change in rate; this was a loss of £7k. He noted the officer's comments that only one or two employees had been made redundant, as well as the assurances that there were no plans for large scale redundancies. He described these savings as a "drop in the ocean" to DBC, but a significant amount of money to the employee.

In view of this, Cllr Taylor said that he wondered if a compromise could be made by meeting the redundancy rate in the middle at 1.85;

Cllr Taylor formally proposed a reduction in the redundancy rate from 2.2 to 1.85. This was seconded by Cllr Whitman. This was **not** agreed by the remainder of the Committee.

Following this, M Brookes said that the Committee were required to consider the substantive issue; whether the SMT decision to reduce the redundancy rate from 2.2 to 1.5 was appropriate. He said that TU members were required to vote (although highlighted that N Cooke, as presenter of the issue, could not). M Brookes said that assuming both TU members voted against this, it was then for the Committee to reach a majority decision. At the invitation of the Chairman, the Committee voted that the decision **was** appropriate; this was by a majority of 4 Councillors, with Cllr Taylor abstaining from the vote due to his proposal.

Councillor Chapman thanked M Brookes, M Rawdon and R Smyth for attending the meeting, and confirmed that they were not required to attend the rest of the meeting.

19 **TRADE UNION - UPDATE**

Cllr Chapman invited N Cooke to introduce this item. N Cooke said that he was looking for DBC's support to lift the Public Sector pay cap. He said that staff had effectively had a pay cut for the last eight years, when taking inflation into account. A Stunell said that on attending various HR events, it was her understanding that a decision would be made on this matter following the Chancellor's Budget in November. N Cooke said that they were asking Government to provide Local Authorities with more funding to finance this pay increase, but were looking for a statement of support.

Cllr C Wyatt-Lowe said that she would prefer to support a motion at the Local Government Association (LGA), rather than an individual council, given its collective

weight. Cllr Taylor echoed this. Cllr Chapman suggested that this be looked at in more detail following the autumn budget. This was agreed by the Committee.

20 **HEALTH AND SAFETY - UPDATE**

P O'Day updated the Committee on the Health & Safety issues facing the Council. He said that work was continuing in the following 12 work streams:

Lone working

P O'Day said that devices had been issued, and Suzy Lampugh and Reliance training delivered. Top-up personal safety training was being delivered throughout October and November

APG

P O'Day said work was continuing on repairing the structures, replacing rotten timber and putting in extra bracing where needed.

Vehicle Repair Workshop (VRS)

P O'Day said there had been a large clear out of redundant equipment. He said Simon J Smith has drafted new Transport Health & Safety Policy and risk assessments. This service has been neglected of late with staff working overtime and using contract staff on-loan from Luton.

Noise

P O'Day told the Committee that the new 'noise at work' policy had been drafted and approved by H&S Committee which will now go to the CMT on 7 November.

He said more observations were needed on waste operatives as the results of the initial survey seem to contradict working practices.

He said that the Hearing Action zone was to be declared in the waste transfer station; signage was being erected, and hearing protection was to be issued to all that enter the area.

P O'Day said most of CSG equipment has been assessed, some (mostly the newer items) need to be assessed to see effectiveness of the hearing protection. Equipment noise (xdB) less the hearing protection (ydB) plus real life factor (4dB) should provide a result of less than 80dB. If between 80dB (lower action level) and 85dB (upper action level) then the time the equipment is used will need to be restricted.

He confirmed that OTH sound absorbing foam panels were to be installed in the technicians booth.

Whole Body Vibration

P O'Day said that the new 'whole body vibration' policy drafted and approved by H&S Committee which also go to the CMT on 7 November.

Cemeteries

P O'Day confirmed that provided the equipment is used as observed (including a 20% margin of error) then the action levels will not be exceeded.

CSG

P O'Day said that on occasions, the Ransomes and Kubota (ride-on mowers) could exceed the lower action levels but the tracking devices at the moment only inform when the machines are used (it did not distinguish between idle and being operated). Because of this, Simon Coultas is in the process of

sourcing more sophisticated software so that DBC could effectively monitor the vibration.

Contractor Safety

P O'Day told the Committee that work was progressing on this especially with regard to CDM projects. David Barrett (GM Housing), is now having H&S audits of projects under his remit.

Training: (P O'Day said that the following was taking place at Cupids Green and The Forum in October and November)

Awareness of Health & Safety Risk Assessments

Introduction to Manual Handling

Sharps Training

Legionella Awareness Training

P O'Day said that in addition to this, as part of European Safety Week, there will be the following Awareness drop in sessions held at the Forum throughout October.

Display Screen Equipment

Accident reporting/Raising Health & Safety concerns

Manual Handling

Display Screen Equipment

Cllr Taylor asked P O'Day if the recent changes to the Construction Design Management (CDM) meant that DBC were now responsible for the faults in the building. Having explained the background of the CDM, P O'Day confirmed that this **was** correct. He said that the 2015 CDM Regulations placed the duty on the client who commissioned the building, rather than the constructor. He said that although the client could delegate out the task by employing a Principal Designer who was tasked with engineering out the hazards, the client must still check that the Principal Designer has done this and that the Principal Contractor had complied.

Cllr Taylor also wished to add that Emma Walker had recently given an excellent Health & Safety training presentation at the Member Development Group. Cllr Taylor wanted to put on record the exceptional feedback given by the group. P O'Day thanked Cllr Taylor and said that he would pass this on.

Councillor Chapman thanked P O'Day for the update. P O'Day also said that he would be leaving DBC on 1 December, and therefore this would be his last meeting. The Committee thanked him for all his work.

21 HR - UPDATE

A Stunell updated the Committee on the various aspects of the ongoing People Strategy.

Apprenticeship Levy Board.

A Stunell said that the Board was currently meeting every month (with a view to meet every quarter) to discuss how the budget (£37K) was being spent. She said that an apprentice had recently started in the HR dept, and was completing an HR qualification. A Stunell explained that one of the issues facing the Board was that apprenticeship qualifications were either not established, or very expensive(e.g, a

Management qualification within the apprenticeship levy was £3k, while a recognised professional qualification was £800). She also added that there were some issues regarding the desirability of the Housing apprenticeship qualification, in comparison to its professional equivalent (CiH qualification)

A Stunell said that they were mapping to see what qualifications DBC most needed. She also said that DBC were currently in a procurement exercise with Hertfordshire County Council (HCC) which should make this process easier. A Stunell said that the apprenticeship levy was now part of Group Managers management budget – they needed to balance this budget against other staff training (including mandatory requirements. In response to query from Cllr Chapman, A Stunell confirmed that DBC would be actively encouraging apprentices to stay with the Council, to regain these developed skills

Investors in People (IiP)

A Stunell said that a paper was being submitted to CMT proposing not to continue with the IiP scheme; this was based on the continuation costs of the IiP estimated to be between £7 – 13k. A Stunell said that she had mapped out the People Strategy in comparison to the IiP, and considered that much of what the IiP reaccreditation proposed was already being addressed by the People Strategy. She also added that HCC were also no longer continuing with IiP because of the significant costs. Cllr Taylor observed that a bespoke strategy for DBC may offer a better investment for staff at substantially less costs.

Sickness Absence

A Stunell said that following the introduction of the Sickness Absence policy last April, HR had been asked to review the policy after a year; this was still ongoing – they were also in negotiations with the TU's about the policy. A Stunell said that policy would not be substantially different as a result of this review, therefore it was unlikely to go to Cabinet/Full Council. She said that it would also include Appendices on Industrial Action, as well as the role of the Sickness Absence Scrutiny Group – this was used in practice, but currently there was no explanation of its role within the policy.

A Stunell also advised the Committee that the occupational health contract was due to be tendered during the month.

Cllr Chapman asked what support was offered to employees that were either returning, or in the process of returning, from a period of absence due to illness. A Stunell said that DBC offered an extensive range of support to these individuals – this included occupational health (where more than one session was available, depending on the need of the individual), the Employee Assistance Programme, the return to work interview (where Managers could identify any necessary areas of support), as well as working with the appropriate regulatory services. A Stunell said that the Sickness Absence Scrutiny Group would also review and ensure consistency.

Recruitment

A Stunell told the Committee that M Rawdon was taking a paper to CMT about this matter on 10 October. The team were conducting a review of the way that people apply to DBC – currently applications were submitted on forms via the portal. She said that this process could be seen as onerous. She said that 13 recommendations

had been made, including a recommendation had been made for applicants to submit a CV and supporting statement instead.

Training

A Stunell said 'Leading in Dacorum' was currently being reviewed – consideration was being given to whether it was fit for purpose, and if it should be continued. This was as an overall consideration of the mandatory training given by DBC. A Stunell also told the Committee that a project initiation document had been submitted for the Coaching programme. She said that she was in the process of completing her Coaching qualification; in parallel to this, she was considering how to roll this out to the rest of the staff.

Induction

A Stunell said that as part of the review to ensure consistency to all new DBC employees reviewing an induction, presentation slides had been created. She said that these would be slightly different for the Cemeteries and Cupid Green as they will require additional mandatory training for the manual aspects of their role. A Stunell said that the HR team were also looking at 'On Boarding'; there was a gap between individuals being recruited and their start date. This was an opportunity for new staff to review certain policies and complete some mandatory training before they commenced their role.

Staff Survey

Kelvin Solely and M Rawdon would be taking the drafted version to CMT on 10 October 2017.

Rewards and Recognition

The first meeting would be taking place in mid-October.

Equality and Diversity

A Stunell said that Neve Turner from Housing was currently drafting this policy. She said that the principles of equality should run through all staff and areas of DBC, however the drafting of the policy would ensure that it was taken a step further.

Employment Handbook

A plan was currently being put together to fully review all policies contained within the handbook to consider if any needed updating; this was in addition to any legislation changes.

Flu vaccination

A Stunell said that this year DBC had moved to issuing vouchers to front line staff. This was in contrast to the previous year, and was considered to be more flexible than running sessions at The Forum. The Committee members expressed some concern whether drivers would arrange appointments, however A Stunell said as well as DBC, that employees also have their own responsibility for their health. She also explained that the sessions that were organised last year had not been utilised in the way that DBC had hoped – this meant that a large batch of vaccinations that had been paid for were not used.

Councillor Chapman thanked A Stunell for the update.

The meeting ended at 8:20pm.