

## **EMPLOYMENT MATTERS COMMITTEE**

**28 SEPTEMBER 2011**

### **JOINT CONSULTATIVE COMMITTEE UPDATE**

Report from: Tricia Palmer, Assistant Director, Organisational Services

Author: Wayne Hemingway, Democratic Services Officer

#### **Summary**

This report informs the Committee of a recent meeting of the Joint Consultative Committee (JCC) and seeks an amendment to the JCC's Terms of Reference.

#### **1. Budget and Policy Framework**

- 1.1 The Joint Consultative Committee's constitution states that minutes of its meetings will be reported to the Employment Matters Committee.
- 1.2 The terms of reference of the Joint Consultative Committee can be amended by the Employment Matters Committee.

#### **2. Background**

- 2.1 The Joint Consultative Committee (JCC) provides an early forum for consultation and meaningful debate between Medway Council and its employees through the recognised Trade Unions on matters relating to employment and conditions of service.
- 2.2 The membership of the Committee consists of an Employer's side (the Members of the Employment Matters Committee) and an Employees' side (Representatives of recognised Trade Unions).
- 2.3 The JCC met on 5 July 2011 and a copy of the minutes are set out in Appendix 1. In summary:
  - Councillor Carr was elected Chairman for the current municipal year. Mike Ongley (GMB) was elected Vice-Chairman.
  - The JCC received a presentation from the Assistant Director, Organisational Services, regarding the current and future issues and challenges facing the Council. The JCC discussed a range of issues arising from the presentation.

2.4 In addition, the Council recently made a decision to officially recognise the Royal College of Nursing (RCN) which has a number of Members employed by Medway Council.

2.5 The JCC's Terms of Reference allows for recognised Trade Unions to be Employees' side representatives on the JCC. Currently, this is limited to no more than nine Members. Therefore, it is proposed that a minor amendment be made to the Terms of Reference to allow the RCN to have formal representation at the JCC, as set out in Appendix 2 to the report (see paragraph 2.1 (b) of the Terms of Reference). A representative of the RCN attended the recent meeting of the JCC.

### **3. Advice and Analysis**

3.1 JCC meetings will continue to be held as necessary and at least on a six-monthly basis.

3.2 Given the role of the JCC to facilitate harmonious relationships and efficient working of the Council, it is considered that the Committee agree the proposal to extend the employees' side representation on the JCC to include the RCN. Should the Council officially recognise any further unions in the future, then due consideration will be given to further extending the membership of the JCC.

### **4. Risk Management**

4.1 Failure to consult appropriately with recognised trade unions could lead to poor employee relations and the possibility of a legal challenge.

### **5. Financial and Legal Implications**

5.1 There are no financial implications arising from this report.

5.2 To enable a Trade Union to conduct negotiations with an employer it must first be recognised by that employer. The legislative provision for the recognition of a Trade Union by an employer is found under section 178(3) of The Trade Union and Labour Relations Act 1992. This section provides that a Trade Union is recognised once an employer agrees to negotiate with it for the purposes of collective bargaining. "Collective Bargaining" is the process involving negotiations between and employer and trade union related to terms and conditions of employment, physical working conditions, discipline, union membership, union facilities, recognition and procedures.

### **6. Recommendations**

6.1 That the Committee note the discussions of the Joint Consultative Committee held on 5 July 2011, as set out in Appendix 1 to the report.

6.2 That the Committee agree an amendment to the Joint Consultative Committee's Terms of Reference to enable additional recognised trade unions to be appointed to the Joint Consultative Committee, as set out in Appendix 2 to the report.

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**Background papers**

Report to Employment Matters Committee 23 July 2009 – Review of the Joint Consultative and Negotiating Committee – Outcome of Consultation



**Medway Council**  
**Meeting of Joint Consultative Committee**  
**Tuesday 5 July 2011**  
**6.30pm to 7.20pm**

**Record of the meeting**

**Present:** **Employer's Representatives**

Councillor Avey  
Councillor Carr  
Councillor Christine Godwin  
Councillor Paul Godwin  
Councillor Iles  
Councillor Irvine  
Councillor Mackinlay

**Employees' Representatives**

Michael Barton, Voice the Union  
Sally Briggs, RCN  
Sue Calder, NUT  
Mike Ongley, GMB  
Joe Parsons, UNISON  
Suzanne Tipping, UNISON

**In attendance:** Ralph Edwards, Head of HR  
Wayne Hemingway, Democratic Services Officer  
Tricia Palmer, Assistant Director, Organisational Services

**1. Election of Chairman and Vice-Chairman**

**Decision:**

The Committee elected Councillor David Carr as Chairman for the current municipal year and Mike Ongley as Vice-Chairman for the current municipal year.

**2. Record of Meeting**

The record of the meeting held on 18 October 2010 was agreed and signed by the Chairman as correct. It was noted that both Councillors and Trade Union representatives should be listed in the "Present" column of the minutes.

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### 3. Apologies for Absence

Apologies for absence were received from Julia Bell (ASCL) and Meryl Harries (ATL).

### 4. Declarations of interest

There were none.

### 5. Presentation

#### Discussion:

The Assistant Director, Organisational Services, gave a presentation highlighting a number of issues as follows;

- The role of the Joint Consultative Committee
- Other Joint Consultative arrangements, for example the Corporate Consultative Committee
- Issues facing the Council with regard to impact on employees, for example, the budget shortfall, changing services and pay
- The Council's budgetary position with regard to the need for longer term changes, service provision, improvements in efficiency and greater use of joint working
- Better for Less programme with regard to impact in customer contact and administration, the potential reduction of 60 jobs (although 30 were already vacant), current consultation with around 500 employees (phase 1), and that the four phases were due to be complete by January 2012
- Pay and pensions with regard to the national pay award (frozen for two years and likely to be for a third year), the Council's current staff grades, pension changes (working to 67 and beyond) and the greater public transparency (for example, FOI requests for senior officers' salaries etc)
- Employment policies and the need to be flexible but clear, to enable Managers to manage and greater use of the Self Serve system
- Benefits for staff, for example, Vectis scheme, childcare vouchers and salary sacrifice schemes. The Assistant Director also tabled some examples of the impact of staff using the various benefits, for example, pension contributions paid by the Council, supermarket vouchers via Vectis etc.

The Committee discussed a range of issues as follows:

- The relationship between the Joint Consultative Committee and the Corporate Consultative Committee

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- The need to investigate whether the Council can assist employees further in maximising benefits, eg help with claiming tax credits
- The availability of the Vectis scheme to all employees, including schools staff
- Schools redundancies (144 redundancies proposed) in addition to the 60 Better for Less redundancies
- Better for Less and whether there would be more than 60 redundancies in phase 1
- The role of Managers and enabling them to manage
- The 2012/2013 budget setting process and when discussions with staff take place regarding any possible staffing reductions
- The overall contribution of Better for Less to the Council in terms of savings
- Public Health functions being transferred to the Council

The Assistant Director, Organisational Services, and Head of HR responded to the Committee as follows:

- That matters considered by the Corporate Consultative Committee would normally only be referred to the Joint Consultative Committee if agreement could not have been reached. Minutes of the Corporate Consultative Committee could be presented to future meetings of the Joint Consultative Committee
- That there was currently no staff resource on the issue of providing assistance to employees to maximise tax credits but this could be looked into further
- That the Vectis scheme was available to all employees including schools staff other than Academies' staff
- That schools redundancies information be reported as appropriate and should not be divorced from the overall number of Medway Council redundancies
- That phase 1 of Better for Less was unlikely to generate more than 60 redundancies
- That from a HR perspective, issues relating to proposed staffing reductions would be discussed as early as possible although it would be necessary to manage the process carefully
- That the cumulative total of savings generated by Better for Less would be circulated to the Committee separately
- That the transfer of public health functions was currently at an early stage and that more information on funding was required to progress it further.

## **Joint Consultative Committee – 5 July 2011**

### **Decision:**

The Committee agreed the following:

- That Corporate Consultative Committee minutes be reported to future Joint Consultative Committee meetings.
- That the provision of assistance to employees on tax benefits (eg tax credits) be investigated further.
- That school redundancy figures be reported as appropriate.
- That greater emphasis continue to be given to training managers to manage with regard to HR issues.



**MEDWAY COUNCIL**  
**JOINT CONSULTATIVE COMMITTEE**  
**TERMS OF REFERENCE**

**Statement of Intent**

To facilitate harmonious relationships and efficient working of the Council all parties agree that it is important that good employee relations should be maintained through productive debate and consultation with the recognised Trade Unions.

This will be achieved through meaningful discussion and partnership working where matters are agreed based on a commonality of views.

**1.0 Terms of Reference**

1.1 the functions of the Joint Consultative Committee (JCC) shall be:-

- a) to provide an early forum for consultation and meaningful debate between Medway Council and its employees through the recognised Trade Unions on matters relating to employment and conditions of service. These matters will exclude those which are reserved for negotiation at national or provincial or other agreed local levels.
- b) Individualised issues will not be discussed at JCC except to illustrate a more general issue of principle without reference to the parties involved.
- c) to consider any relevant matter referred to it by the Assistant Director, Organisational Services, the Employment Matters Committee or other Committee or by any of the recognised Trade Unions.
- d) to make recommendations to officers relating to the principles of policy development and other issues relating to employment and conditions of service..
- e) to discharge such other functions specifically assigned to the JCC by the Employment Matters Committee.

1.2 The JCC shall have the power to appoint or arrange for the appointment of its own Working Groups as necessary and recommend the establishment of appropriate consultation structures.

## 2.0 Representation

2.1 The JCC shall comprise:-

- a) the Employer's Side, consisting of seven Elected Members who are members of the Employment Matters Committee, and
- b) the Employees' Side, consisting of employees of Medway Council being representatives of the Trade Unions with one seat per recognised trade union, ~~to a maximum of nine seats.~~

2.2 Where a representative ceases to be a Member of the Employment Matters Committee or a TU Representative/employee of the Council, they shall immediately cease to be a JCC representative and the consequential vacancy shall be filled by another member of the Employment Matters Committee or Trade Union Representative/employee, as appropriate within a reasonable period.

2.3 Either Side may appoint substitutes to represent a member of the JCC who is unable to attend any meeting of the JCC.

2.4 Following an agreement between the two lead officers either Side may arrange for the attendance of an officer of Medway Council, full time Trade Union official or employer organisation representative at any JCC meeting where it would be helpful to the business under discussion. Such attendance shall be notified to the Assistant Director, Organisational Services or designated representative.

## 3.0 Chair

3.1 A Chair and Vice-Chair shall be appointed by the JCC at its first meeting in each year.

## 4.0 Officers

4.1 Democratic Services will be responsible for the administrative arrangements for the JCC.

4.2 The Assistant Director, Organisational Services shall be the Lead Officer to the Employer's Side.

4.3 The Employees' Side shall elect one of its representatives as a Lead Officer to the Employees' Side, who will liaise with HR Services.

## **5.0 Arrangements for Meetings**

- 5.1 The JCC shall normally meet on a quarterly basis and if there is no business, the Chair will retain the right to cancel the meeting.
- 5.2 Democratic Services will prepare the agenda and support the meetings. Both the Employer and Employee Side will be able to include relevant agenda items.
- 5.3 Papers will be prepared in advance except where this is not appropriate, for example, where a presentation is prepared.
- 5.4 The agenda will be sent to each JCC representative not later than five working days before the meeting to which it relates.
- 5.5 Matters will be agreed by consensus following meaningful debate and discussion.
- 5.6 In cases where an urgent matter requires to be brought to the attention of the JCC the Lead Officer of either Side, following consultation with their counterpart from the other Side, shall ask the Assistant Director, Organisational Services to call a special meeting which should be held as soon as possible and event within ten working days wherever practicable.
- 5.7 The minutes of the JCC shall be attached to the Employment Matters Committee papers.