

Employee Consultation and Information Arrangements at HDC

Discussion Paper for Corporate Governance Panel

12th December 2012

1 Purpose

The purpose of this discussion paper is to review the existing Information and Consultation arrangements at HDC; and provide proposals for future practice, including the next steps that will need to be considered in order to effect any changes agreed.

2 Desired outcome

ELAG are asked to agree to the proposed changes that are outlined in this paper for consultation with the Employment Panel members.

3 Background

Good communications and consultation are central to the management process when dealing with changes in working practices and procedures and building and maintaining effective relationships in the workplace.

Furthermore, a clear communication and consultation framework is a particularly effective way of setting out the approach of the organisation and defining the responsibilities of those involved.

Information, consultation and negotiation arrangements vary considerably across Council's in the UK, particularly in relation to the membership and function of these forums.

At Huntingdonshire District Council the emphasis is very much on 'consultation' (taking account of as well as listening to the views of employees prior to making management decisions) rather than negotiation, which tends to be associated with resolving disputes and reaching collective agreements with recognised trade unions. However this consultative approach has not been reflected in the terms of reference of the panels. The result is a two level Information and Consultation process which does not reflect the consultative approach being applied. At one level there is an employee consultative group (ELAG), comprising of a small number of elected members and a number of staff representatives. This then feeds into a higher, second level, decision making body/ committee comprising elected members only.

Other Council's such as Northampton Borough, operate a consultative forum that does not include elected members, whereby, the Head of Paid Service has overall corporate management and operational responsibility for all officers and workforce matters. Elected members do however play an important role in holding the strategic overview of key employment decisions, amongst other things, in the form of a general overview committee.

The Localism Act 2011 has added a new dimension as Councils are required to publish a pay statement that includes full details of chief officer remuneration and related delegations and procedures. Huntingdonshire DC has already complied with this requirement and has established the Senior Officers Panel to review senior appointments.

Once again, Councils have responded to this Act in a number of ways. Rutland County Council's constitution, for example, requires full Council approval for all appointments and remunerations for Senior Officers (at Rutland this includes Assistant Director Level and above).

Other Councils (Liverpool City, Sheffield City, Thanet District) have delegated responsibility for senior officer appointments (including determining salary and remuneration) to a sub committee of the Council; requiring full Council approval for the Head of Paid Service role and salary packages in excess of £100k.

4 Existing Arrangements at HDC

At present, Consultation and Information arrangements at HDC fall into the first model identified in Section 3. Notably, the Council has two inter-related 'established' forums for consulting and informing staff on employment and service matters; and for making employment related decisions. These comprise:

4.1 The Employee Liaison Advisory Group (ELAG)

This group is currently made up of twelve elected staff side members (representing each Council Service) and three elected members of the District Council. Representatives from the Senior Management team, HR or other Officers within the service areas are also invited to attend as appropriate.

The key remit of this group is to forge closer, more effective working relations between *management* and *employees* (via staff representatives), consulting on a wide range of employment matters that extend well beyond the legal requirements set out in the Information and Consultation of Employees Regulations.

ELAG staff side meet monthly to discuss issues arising without management and individual representatives or the whole group meet as and when needed with senior managers.

Proposals and recommendations are viewed by a formal meeting of ELAG prior to being considered by Employment Panel for ratification.

4.2 The Employment Panel

This comprises eight elected members of the Council, including at least one member of the Cabinet.

The Employment Panel is responsible for discharging the functions of the Council in relation to the employment of its workforce. As stated above, a key role of this group is to ratify the recommendations put forward by ELAG. In practice, this means that the same agenda is discussed at both groups. The Employment Panel acts as the 'decision' making body, taking into consideration, the views put forward by the employee representatives at the ELAG meeting.

4.3 Senior Officer Panel

In addition to the above, Huntingdonshire has an established Senior Officer Panel, comprising 4 elected members (and the relevant executive Councillor) that is currently responsible for:

- the appointment of Chief Officers (other than the Head of Paid Service or their equivalent);
- the dismissal of Heads of Service and above;
- suspension of Heads of Service and above; and
- undertaking hearings /take disciplinary action in the case of Heads of Service or above.

5 Key observations on current arrangements and recommendations for future practice

The key observations relating to current arrangements are detailed below:

- **Membership & Remit of the 2 established groups**

There appears to be unnecessary duplication with the same agenda discussed at both forums. The Employment Panel is by its current definition the forum that ratifies recommendations and proposals relating to employment and workforce matters as previously considered by ELAG which in turn have already been discussed between ELAG staff side and management. It also reviews management performance through the quarterly employment report and other briefings.

A large number of these decisions could be consulted on and ratified locally at the ELAG group if the remit and membership of both forums was re-defined; and the constitution was revised to enable the delegation of employment decisions to the Head of Paid Service.

Tied in with this latter point therefore is the question regarding the current constitution / membership of each group.

At present, there are 3 elected members from the District Council who participate in the ELAG meetings. In practice, this means that these members potentially spend a large amount of time discussing and consulting with employee representatives on service issues, rather than maintaining an overview of employment practice and decisions across the Council.

Similarly, with unnecessary duplication at the Employment Panel, members are involved in discussing and making employment decisions that could be ratified at the ELAG, if the terms of reference for each forum were re-defined.

6 Proposals for future practice

It is proposed that the membership and remit of ELAG is re-defined.

6.1 Staff Council

Employee staff side representatives will continue to meet on a monthly basis without management to discuss issues arising. This group will be called the Staff Council.

6.2 Joint Liaison Group

In addition to maintaining the status quo, whereby staff side representatives are able to meet informally with management and the Head of Paid Service, it is proposed that members of the Staff Council (above) will meet **formally** with management, including the Head of Paid Service on a quarterly basis. This will facilitate meaningful discussion and information sharing of employment matters across the Council; as well as providing the opportunity to table reports to the Employment Scrutiny Panel for consideration as appropriate. This 'joint' group will be called the Joint Liaison Group. Employment decisions will be delegated to the Head of Paid Service rather than the Employment Panel.

It is also proposed that the administration of the quarterly meetings for the Joint Liaison Group is overseen by Human Resources rather than Democratic Services.

The benefits of this proposal are:

- It gives formal recognition and value to the staff forum.
- It enables workforce employment matters to be consulted on and decided at service level, helping to maintain closer links and engagement between staff and management;
- There will be less duplication – removing the situation of discussing the same agenda at each forum.
- It reduces the administrative support required from Democratic Services.

Suggested terms of the Joint Liaison Group can be found in Appendix 2.

6.3 The Employment Scrutiny Panel

It is proposed that the membership of this group remains the same but the terms of reference are revised to enable this panel to act in a 'scrutiny' capacity for the Council on employment and workforce matters. This Panel would be called the Employment Scrutiny Panel and would receive regular 'employment' reports from the Joint Liaison Group. The Chairman and the Vice Chairman of the Employment Scrutiny Panel would continue to meet with Management and with Staff Council informally as required to ensure that they are provided with a strategic overview of the people management issues within the Council.

Suggested terms of reference for this forum can be found in Appendix 3.

It is recommended that HDC elected members are consulted fully regarding any proposed changes to terms of reference, the number of HDC elected representatives to be included and the procedure for electing representatives and for holding meetings.

6.4 Senior Officer Panel, particularly in relation to T&C's and appointments

The Localism Act 2011 requires all authorities to prepare a Pay Policy statement for the financial year 2012/13 and each year thereafter. Part of this statement requires full details on all aspects of chief officer remuneration, which includes decisions regarding starting salaries for appointments of senior officers.

It is recommended that the terms of reference of the Senior Officer Panel are widened and strengthened to include agreeing the starting pay for posts at Heads of Service and above, including the Head of Paid Service. The Head of Paid Service appointment and appointments of

a starting salary of £100k will require full Council approval. All appointments made by the Senior Officer panel will be made in accordance with the Officer Employment Procedure Rules in the Constitution.

Proposed changes to the terms of reference for the Senior Officer Panel are detailed in Appendix 4.

6.5 Failure to reach agreement/disputes

Where there is a failure to agree or a dispute arises relating to employment matters at the Joint Liaison Group, it is proposed that a meeting should take place between the Chairman and the Vice Chairman of the Employment Scrutiny Panel and members of the Joint Liaison Group. It is proposed that the Chairman and the Vice Chairman of the Employment Scrutiny Panel will have delegated powers to try and resolve disputes, prior to escalation to the more formal ACAS route.

7 What will these suggested changes look like for HDC?

The diagram in Appendix 1 shows what these changes will look like for Huntingdonshire District Council.

8 Next Steps

- Consultation meeting with ELAG – 14 November 2012

(Action - ELAG to support completion of Terms of Reference & Procedure document for ELAG)
- Consultation with Employment Panel – 28 November 2012

(Action - Employment Panel to support completion of Terms of Reference & Procedure document)
- Consultation meeting with Senior Officer Panel - (date tbc)
- Once proposals agreed proposed changes to Constitution paper to Corporate Governance Panel to take recommendations to full Council – (date tbc)
- Full Council to approve changes to Constitution December 2012

Appendix 1

Current Arrangements:

Employment Panel

Membership:

8 Elected HDC members, including at least 1 member of the Cabinet.

Purpose:

To discharge the functions of the Council in relation to the employment of the Council's workforce

ELAG

Membership:

3 Elected Members of the District Council and 11 elected staff side members

Purpose:

Maintain effective communication between employees and management and consult on and make recommendations to the Employment Panel on a wide range of workforce and employment matters
Decisions escalated to Employment Panel for Ratification

Senior Officers Panel

Membership:

4 Members of the Council (and the relevant Executive Councillor where applicable)

Purpose:

Responsible for appointment (excludes Head of Paid Service), dismissal, suspension, undertaking of disciplinary hearings of Chief Officers and Heads of Service or their equivalent

Proposed:

Employment Scrutiny Panel

Membership:

8 Elected HDC members, including at least 1 member of the Cabinet.

Purpose:

To provide strategic overview of the people management and workforce decisions and issues within the Council
Vice Chairman and Chairman of ESP to have delegated powers to try to resolve disputes at Joint Liaison Group, prior to escalation to ACAS.

Frequency of Meetings: As required -tbc

Joint Liaison Group

Membership:

Staff Council representatives, reflecting current distribution of council employees but not to exceed 15; Managers /Officers as required, including Head of Paid Service.

Purpose:

Maintain effective communication between employees and management and consult on workforce /Employment matters
Employment decisions delegated to Head of Paid Service.
Quarterly formal meetings; with the ability to table reports to Employment Scrutiny Panel as appropriate.

Frequency of Meetings: Quarterly Meetings

Staff Council

Membership:

Employee representatives for the Council's Services, reflecting current distribution of council employees but not to exceed 15; Managers /Officers as required

Purpose:

Maintain good employee relations and ensure the views of staff are considered in relation to proposed changes to employment matters

Frequency of Meetings: Monthly meetings feeding into JLG

Senior Officer Panel

Membership:

4 Members of the Council (and the relevant Executive Councillor where applicable)

Purpose:

Make appointments (including starting salary arrangements) dismissals, suspensions; and undertake disciplinary hearings of Heads of Service or their equivalent and above, in accordance with the Officer Employment Procedure Rules.

NB- In the case of the Head of Paid service or for salary packages that exceed £100k, the full Council must approve any proposed appointments before an offer of appointment is made and must approve any proposed dismissals before notice of dismissal is given

Frequency of Meetings:

As required

DRAFT DOCUMENT - to be agreed and finalised following consultation



Terms of Reference and Constitution of the Joint Liaison Group

1 Introduction

- 1.1 The council strives to create and maintain a working environment which is conducive to the achievement of the organisational, team and individual objectives and which promotes effective and harmonious working conditions.

2 Objectives

- 2.1 It is important for efficiency and for good employee relations that:
- (a) The Staff Council and Senior Management are kept informed of matters of mutual concern;
 - (b) the views of the Staff Council are sought on existing practices and on proposed changes which would affect them at the earliest opportunity;
 - (c) Trust and communication exists between the Staff Council and Management;
 - (d) Annual schedule of meetings with the appropriate groups drawn up at the start of each financial year; a minimum of 4 formal meetings per year;
 - (e) Support the Joint Liaison Group members with appropriate training in order to carry out their role.
- 2.2 The general objectives of the Joint Liaison Group are:
- (a) Maintain and develop an efficient and effective service by bringing Management and the Staff Council together at the earliest opportunity;
 - (b) To afford a regular basis of consultation on matters relevant to this objective and also on matters relating to employee relations,

productivity and working and other arrangements and terms and conditions of employment;

- (c) To discuss in relation to local conditions the implementation of matters which have been prescribed or recommended at national, provincial or other agreed local levels;
- (d) To give the Staff Council a wider interest and greater responsibility in these matters; and
- (e) To maintain effective means of communication between the Staff Council and Management

3 Functions

3.0 In pursuance of these general objectives the following issues may include, but not exhaustive, be discussed by the Joint Liaison Group and recommendation made:

- (a) management objectives;
- (b) organisation or re-organisations;
- (c) issue and revision of working formats in the interest of efficient working, improvements in methods of work, management aids to productivity;
- (d) work conditions –
 - (i) arrangements of hours, rotas, time recording, breaks
 - (ii) design and layout of buildings from the point of view of working conditions, including office heating, lighting and furnishings
 - (iii) provision, specification and use of equipment;
- (e) human resource arrangements –
 - (i) conditions of service, including sick pay, payments, holiday provision, pensions, flexible working framework
 - (ii) training and development
 - (iii) physical and psychological well-being;
- (f) procedures for settlement of grievances, discipline, incapability, redundancy;
- (g) general questions of policy in relation to discipline and productivity;
- (h) maintenance of essential services in emergencies; and
- (i) local salary and grading arrangements.

3.1 The Joint Liaison Group will not consider issues that should correctly be referred elsewhere, for example individual appeals and grievances.

4 Constitution

4.0 The Joint Liaison Group shall comprise of:

- Employee representatives for the Council's services, the number of representatives shall reflect the current distribution of Council employees but shall not exceed fifteen; and
- Senior Management as appropriate, including the Head of Paid Service.

- 4.1 Each member of the Staff Council shall hold office for two years and half of the members shall be re-elected alternate years therefore retaining the experience within the Staff Council.
- 4.3 The representation should be sufficient to ensure on each side adequate representation for different services, groups or functions. The Staff Council will nominate group members to represent the service, group or function as applicable.
- 4.4 Each representative for each service shall be elected by nomination by themselves or others, if more than one nomination wishes to stand for election a direct ballot of all employees in that service shall be administered by the Corporate Team in conjunction with the current the Staff Council representatives.
- 4.5 The Joint Liaison Group will be chaired by the representative from the Senior Management Team.
- 4.6 Either side shall have the right to co-opt, in a consultative capacity, consultants or advisers to, or representatives of particular directorates, services or functions affected by a question under discussion which are not directly represented on the Joint Liaison Group, but only for the period during which the relevant question is under consideration.
- 4.7 Either side may arrange for the attendance in an advisory capacity of an employee or Trade Union Official at any Joint Liaison Group meeting where it would be helpful to the business under discussion. Such attendance shall be notified to the Human Resources section.
- 4.8 The Joint liaison Group shall have power to appoint or arrange for the appointment of, task and finish, Sub-Groups as necessary.

5 **Procedure**

- 5.1 A minimum of four formal Joint Liaison Meetings shall be scheduled per year. These will normally be 4 weeks before meetings of the Council's Employment Scrutiny Panel to allow members of the Advisory Group the opportunity to contribute towards the formulation of any employment related reports / policies. There shall also be provision for special meetings. Special meetings shall be called as quickly as possible in any event not later than one week after a request on behalf of either side to the Human Resources Section.
- 5.2 Staff Council members will continue to meet informally with management and the Head of Paid Service as appropriate.
- 5.3 The agenda for the meeting shall be dispatched by the Human Resources Section not later than five working days before a meeting. Business other than that on the agenda may be introduced at the request of either

Management or Staff Council Representatives, subject to the agreement of the other side and the consent of the Chairman.

- 5.4 Two Elected Members representing the Management Side and two elected Employees' representatives representing the Staff Council shall together constitute a quorum.
- 5.5 The Staff Council representatives shall, for time spent at meetings of the Joint Liaison Group, be paid at their ordinary rate, exclusive of bonus, accumulate hours under the flexible working framework or, where previously agreed with their Head of Service, take time off in lieu for time spent at meetings of the Advisory Group.
- 5.6 Suitable facilities shall be granted to the Staff Council to undertake and fulfil their duties. Reasonable and appropriate time off to fulfil Joint Liaison Group and Staff Council duties will be granted and approved by the relevant Head of Service.
- 5.7 The agenda will be formulated and comprise of reports submitted directly by Management and the Staff Council.
- 5.8 Where there is a failure to agree / a dispute between Staff Council and Management, this should be referred in the first instance to the Chairman and the Vice Chairman of the Employment Scrutiny Panel. If the dispute remains unresolved this will follow the ACAS Arbitration route.

Staff Council Agreement:

The following will be endorsed by the Staff Council and are only applicable to the Staff Council.

- Training – the Staff Council will aim to attend training on employment law and grievance procedures within a 6 month period of joining the group
- The Staff Council will encourage representatives from each service area to join the group, making sure the maximum numbers do not exceed fifteen
- The Staff Council will agree a dedicated communications officer and chair person on an annual basis
- The Staff Council will aim to communicate using the following methods regularly:
 - ◆ Staff Council intranet site
 - ◆ Regular Staff Council meetings
 - ◆ Promoting the work within the group
 - ◆ Feedback to staff
 - ◆ Feed up to managers and members
 - ◆ Periodic updates in Team News

- The Staff Council will be available to engage in the following additional duties:
 - ◆ Consultation with managers and staff
 - ◆ Attendance at grievance and disciplinary hearings at the request of staff
 - ◆ Signposting staff to the appropriate resources within HDC and external agencies where applicable to offer support

- The Staff Council will make every effort to attend every meeting. If a member has an illness or a pre-booked holiday, then they should notify the chairperson who will take forward any topics raised and feedback to their service area.

- The Staff Council will make every effort to respond to requests for comments within the required timescale (noted on the email/forum/document). If there is no response within that period, only those comments from other Staff Council reps will be used in any response to management.

- Should any Staff Council member miss three meetings without notifying the chairperson of these absences, then their role as Staff Council representative will be advertised to find a replacement for their service area.

- Employees in the constituency of the representative may also make representations to the Staff Council chairperson should they feel that they are not being consulted/receiving feedback from meetings. A decision will then be made by the Staff Council about advertising for a new representative.

- The Staff Council will aim to reach a consensus. When this is not possible the forum will agree which views are taken forward.

DRAFT DOCUMENT – to be agreed and finalised following consultation

Appendix 3



Terms of Reference and Constitution of the Employment Scrutiny Panel

1.0 Purpose

1.1 The purpose of the Council's Employment Scrutiny Panel is:

- to provide the strategic overview of the people management and workforce decisions and issues within the Council

1.2 The Panel will be responsible for:

- conducting research in the analysis of employment practice within the Council and best practice;
- liaising with and where necessary requesting information and reports from the Council's Joint Liaison Group to support their analysis;
- reporting to/making recommendations to Council and /or Cabinet in relation to the employment and workforce practices within the Council;
- feedback any findings and recommendations to Management and the Joint Liaison Group.

The Chairman and the Vice Chairman of Employment Scrutiny Panel should continue to meet with Management and with members of the Joint Liaison Group informally to ensure that they are provided with a strategic overview of the people management issues within the Council.

2.0 Membership

2.1 The panel shall comprise:

- 8 members of the Council including at least 1 member of Cabinet.

3.0 Election of members:

3.1 Members of the panel will be appointed by Full Council following a recommendation from the Executive Leader.

4.0 Monitoring and Review

4.1 These Terms of Reference will be reviewed on an annual basis by the members of the Employment Scrutiny Panel – variations will be implemented with the agreement of full Council.

5.0 Signatories

6.1 Signed on behalf of Huntingdonshire District Council

EXAMPLE DOCUMENT - to be agreed and finalised following consultation

Appendix 4



Terms of Reference and Constitution of the Senior Officer Panel

Please note - throughout this document the term Senior Officer refers to The Head of Paid Service, Director, Heads of Service and other direct reports to Directors

1.1 Purpose

1.1 The purpose of the Senior Officer Panel Council's Employment Panel is to manage the appointment and dismissal of, and taking disciplinary action against Senior Officers of the Council in accordance with the Council's Officer Employment Procedure Rules.

1.2 Specifically the Panel will be responsible for:

- Appointing Senior Officers, which includes deciding starting salary and remuneration packages;
- Dismissing Senior Officers;
- Suspension of Senior Officers;
- Undertaking hearings and taking disciplinary action in the case of Senior Officers; and
- The setting of Senior Officer salaries and determination of pay rises and bonuses and other benefits.

All the above will be done in accordance with the Officer Employment Procedure Rules.

1.3 In the case of the Head of the Council's Paid Service or for salary packages that exceed £100k, the full Council must approve any proposed appointment before an offer of appointment is made and must approve any proposed dismissal before notice of dismissal is given.

2.0 Membership

2.1 The Senior Officer Panel shall comprise:

- 4 members of the Council (and the relevant Executive Councillor in relation to the post to be filled)

3.0 Election of members:

3.1 Members of the panel will be appointed by Full Council following a recommendation from the Executive Leader.

4.0 Monitoring and Review

4.1 These Terms of Reference will be reviewed on an annual basis by the members of the Senior Officer Panel – variations will be implemented with the full agreement of full Council.

5.0 Signatories

5.1 Signed on behalf of Huntingdonshire District Council