

UNION/EMPLOYEE CONSULTATION COMMITTEE

Minutes of a meeting of the Union/Employee Consultation Committee of the Bolsover District Council held in Chamber Suite 1, The Arc, Clowne, on Wednesday 12th March 2014 at 1100 hours.

PRESENT:-

Council Representatives:-

Councillors E. Watts, K. Reid and Mrs P.M. Bowmer.

Unison Representatives:-

J. Wilmot and K. Shillitto.

Unite Representatives:-

None attended.

Officers:-

T. Morrell (Senior HR Advisor), A. Wylie (Principal Solicitor), N. Blaney (ICT Manager) (to Minute No. 0926) and A. Bluff (Governance Officer).

0920. APOLOGIES

Apologies for absence were received on behalf of Councillor V.P. Mills and J. Clayton (Unison).

0921. ELECTION OF CHAIR FOR MEETING

Moved by J. Wilmot, seconded by K. Shillitto

RESOLVED that E. Watts be elected as Chair for the meeting.

Councillor E. Watts in the Chair

0922. URGENT ITEMS OF BUSINESS

The Chair informed the meeting of an urgent item of business to be considered being the Whistleblowing Policy which would be discussed as the last item on the agenda.

(Senior HR Advisor, NEDDC)

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0923. DECLARATIONS OF INTEREST

There were no declarations of interest made.

0924. MINUTES – 11th DECEMBER 2013

Minute 0667 – Urgent Item of Business – Driving at Work Policy

A Unison representative informed the meeting that Unison did not agree with the content and resolution of Minute Number 0667 of the last minutes as it was felt that it did not represent fully what was discussed at the meeting.

The Driving at Work Policy was still in a draft format and had not yet been approved at Council but the Council's Intranet site (ERIC) was advising staff that from 1st December 2013 employees who drive their own car on council business were required to submit their driving licence and car insurance certificate indicating their car was insured for business use to HR and Payroll for verification.

The Senior HR Advisor replied that staff needed to be insured for business purposes if they used their car for council business and the relevant paperwork needed to be provided to HR and Payroll. Unison replied that until the policies changed, staff shouldn't be required to produce the documents.

Moved by Councillor E. Watts, seconded by J. Wilmot

RESOLVED that subject to Minute 0667 being amended to reflect that staff are not asked to produce their driving licence and insurance documents until detail in the Driving at Work Policy had been considered by the Unions, the Minutes of a Union/Employee Consultation Committee held on 11th December 2013 be accepted as a true record.

(Governance Manager)

0925. ICT POLICIES AND MEMBERS ICT CHARTER

Members considered a report of the ICT Manager in relation to joint ICT policies.

The meeting was advised that the Members ICT Charter was included in the report for Committee's information and was not being presented for approval.

It was acknowledged that a common approach for ICT was needed as joint working between the partners increased.

The Information Commissioner's Office was now levying substantial fines on councils and Government departments were personal data became available in the public domain - these fines were often in excess of £100,000

The ICT policies presented to Members provided the guidance and correct working practices to minimise the risk of personal data leakage.

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To enable access to Government systems, exchange data and send secure emails the Authority must comply with a 'Code of Connection' (CoCo), which was audited annually by external security assessors. To satisfy key criteria of the CoCo the Authority must demonstrate that key policies were in place and enforced. Failure to do so would result in a loss of the Council's CoCo connection to the following services;

- Department of Work and Pensions CIS system which is used by the Benefits team to investigate fraud,
- Exchange of Electoral Roll information with Central Government,
- Access to the 'Tell us Once' service for registration of births and deaths,
- Ability to send secure email between public bodies including the police, NHS and Central Government departments.

Discussion took place and Members asked questions.

It was suggested that key points from each of the relevant policies be put in a guidance note for staff so they did not have to check 4 or 5 separate policies. It was also suggested that reference be made to North East Derbyshire District Council's Home Working Policy.

Unison highlighted the paragraph in relation to a 'Clear Desk' policy and the Senior HR Advisor noted that this was 'aspirational' and no disciplinary action or sanctions would be applied if not carried out by staff, although it was also acknowledged that protected and restricted paperwork must be stored away.

A discussion took place and it was agreed that the wording in the paragraph, 'At the end of each day, wherever possible' desks should be cleared of all documents ' be changed to, 'At the end of each day desks **must** be cleared of all documents'.

Moved by K. Shillitto, seconded by Councillor K. Reid

RECOMMENDED that subject to the change of wording in the paragraph as detailed above, the Joint ICT Policies be presented to Executive for adoption.

(ICT Manager/Governance Manager)

The ICT Manager left the meeting.

0926. PAY POLICY - RELIEF CENTRAL CONTROL OPERATORS

Committee approval was sought to make minor additions to the Pay Agreement to reflect current practice relating to the pay entitlement for employees carrying out central control duties on a relief basis.

At Council on 9th September 2009, Members approved the decision of UECC to include the pay arrangements for full time and part time central control operators in the Council's Pay Agreement.

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For operational reasons, a number of employees now provided relief cover for this service. This has introduced a third category of central control operators which the pay agreement does not cover. Pending formal agreement this new group of workers have been paid the appropriate rate of pay for central control operators with the accrual of annual leave in accordance with paragraph 3.2.10.

The 34% enhancement paid to part time central control operators does not apply to relief workers because reliefs are not required to work regular unsocial hours, regular shift working or provide regularly cover.

To reflect current practice, it was proposed that the following paragraph be added to paragraph 3.2.12 of the Council's Pay Policy:-

"Relief Central Control Operators will receive Grade 7 for all hours worked and will accrue annual leave in accordance with paragraph 3.2.10 above."

Moved by J. Wilmot, seconded by Councillor E. Watts

RESOLVED that (1) the report be received,

(2) the following paragraph be added to paragraph 3.2.12 of the Council's Pay Policy:-

"Relief Central Control Operators will receive Grade 7 for all hours worked and will accrue annual leave in accordance with paragraph 3.2.10 above."

(Assistant Director HR and Payroll)

0927. SICKNESS ABSENCE/OCCUPATIONAL HEALTH STATISTICS OCTOBER TO DECEMBER 2013

The Senior HR Advisor presented a report of the Assistant Director of Human Resources in relation to sickness absence/occupational health statistics for the period October to December 2013 with comparisons for the same period in 2012.

The outturn for the period was 2.21 days per full time employee compared with 2.38 days in the same period in 2012.

The target for October to December 2013 was 2 days per full time employee. A breakdown of the figures by department and by long term/short term sickness absence was included in the report for information.

The total number of days lost had reduced in 2013 by 212 days. The number of days lost due to long term sickness had reduced by 183.5 days and the number of days lost due to short term sickness had reduced by 28.5 days.

The outcome of occupational health referrals for the October to December 2013 period were;

- Rehabilitated – 5
- Continuing – 5

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- Ill Health – 0

The figures for the same period in 2012 were;

- Rehabilitated – 4
- Continuing – 2
- Ill Health – 0

Routine health surveillance clinics had been held on 17th October 2013 and 7th November 2013 and had covered topics such as Hand Arm Vibration, Audiometry and Driver Medicals.

Moved by Councillor E. Watts, seconded by Councillor Mrs P.M. Bowmer
RESOLVED that the report be received.

0928. EQUALITIES MONITORING OCTOBER TO DECEMBER 2013

Members considered a report in respect of Equalities Monitoring data for the period October to December 2013 on the Council's performance on equality issues in relation to its employment practices.

Moved by J. Wilmot, seconded by Councillor E. Watts
RESOLVED that the report be received.

0929. WHISTLE BLOWING POLICY

The Principal Solicitor presented a report in relation to the Council's Whistleblowing Policy.

The meeting's attention was drawn to paragraph 7.1 of the Policy and the Principal Solicitor advised Members that this paragraph would be removed and also the wording, 'and you act reasonably and in good faith,'... from paragraph 7.3

Whistleblowing policies were aimed at fostering a climate of openness and transparency in which individuals in the workplace did not feel that they would be victimised if they raised concerns about wrongdoing in their organisation to an appropriate officer within the organisation.

As part of best practice, the government expects all public bodies to have written whistleblowing policies. It was therefore necessary that the Council's Whistleblowing Policy was up to date and fit for purpose.

Key changes had recently been brought about by the Enterprise and Regulatory Reform Act 2013 and therefore the Policy had been updated to include the following:-

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Firstly, there was now an express requirement that whistleblowing by employees or workers was made in the public interest. Although the ERRA does not define the meaning of public interest, it was implicit that disclosure of any wrongdoing by an employee must exclude those which can be characterised as being purely of a personal nature.

A disclosure no longer had to be made “in good faith” to be protected. Therefore, disclosures made purely out of malice or with the intention of personal gain would be protected as long as they were made with the reasonable belief that they were in the public interest.

Whistleblowers were now protected from suffering detriment, bullying or harassment from another employee. Previously, employees were protected from adverse treatment only in relation to their employer's activity. Employment tribunals would be able to hold employees or workers personally liable for victimising a whistleblower.

An employer could be held liable for any detriment inflicted on the whistleblowing employee or worker by his or her colleagues. The employer would have a defence if it could demonstrate that it took all reasonable steps such as compliance with its whistleblowing policy to prevent such detriment being inflicted on the whistleblower.

Members raised questions and a discussion took place.

Further to a question raised by Unison, it was noted that currently, there were no guidance cases for information.

It was noted that the Whistleblowing Policy was owned by the Monitoring Officer.

Moved by Councillor K. Reid, seconded by K. Shillitto

RESOLVED that subject to the above amendments being made, the Policy be forwarded to Standards Committee.

(Principal Solicitor/Governance Manager)

The meeting concluded at 1145 hours.