

UNION/EMPLOYEE CONSULTATION COMMITTEE

Minutes of a meeting of the Union/Employee Consultation Committee of the Bolsover District Council held in Chamber Suite 3, The Arc, Clowne, on Thursday 9th October 2014 at 1100 hours.

PRESENT:-

Council Representatives:-

Councillors, V.P. Mills, K. Reid, A.M. Syrett, A.F. Tomlinson and E. Watts

Unison Representatives:-

L. Cheong, K. Shillitto and J. Wilmot.

Unite Representatives:-

None attended.

Officers:-

A. Grundy (Assistant Director Human Resources), T. Morrell (Senior HR Advisor), S. Brunt (Assistant Director - Streetscene) and A. Bluff (Governance Officer).

Councillor E. Watts in the Chair

0419. APOLOGIES

Apologies for absence were received on behalf of Councillor Mrs P.M. Bowmer, J. Clayton (Unison) and W. Edge (Unison).

0420. URGENT ITEMS OF BUSINESS

Further to a query raised by the Chair, Unison representatives confirmed that proposed strike action would still be going ahead on 14th October 2014.

0421. DECLARATIONS OF INTEREST

There were no declarations of interest made.

0422. APPOINTMENT OF VICE CHAIR

Moved by J. Wilmot, seconded by K. Shillitto

RESOLVED that J. Clayton be elected as Vice Chair for the ensuing year.

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0423. MINUTES – 9TH JUNE 2014

Moved by Councillor E. Watts, seconded by K. Shillitto

RESOLVED that subject to the inclusion of Councillor Syrett's apologies, the Minutes of a Union/Employee Consultation Committee held on 9th June 2014 be approved as a true record.

0424. SICKNESS ABSENCE/OCCUPATIONAL HEALTH STATISTICS APRIL 2014 TO JUNE 2014

Committee considered a report of the Assistant Director Human Resources in relation to sickness absence/occupational health statistics for the period April 2014 to June 2014.

The target for sickness absence for the April to June quarter was 2.12 days per FTE with the outturn for the quarter being 1.86 days per FTE; this compared to the same period in 2013 of 2.40 days per FTE.

A breakdown of the figures by department and by long term/short term sickness absence was attached to the report for Committee's information along with a breakdown of the reasons for all long terms sickness absence.

The outcome of occupational health referrals for the quarter was;

Rehabilitated 13,
Continuing 1 (expected to return to work October 2014).

The top three causes of sickness absence for the quarter were;

Musc/Skeletal 214.5 days lost,
Stress 158 days lost and
Heart/circulation 101 days lost.

Three employees had undergone counselling during the quarter. No routine health surveillance clinics had been held during the quarter.

The Assistant Director Human Resources noted that sickness absence due to stress was in relation to employee's personal stress and not work related stress.

A Unison representative raised a query in relation to stress awareness training sessions. The Assistant Director Human Resources replied that there had been little take up for the stress awareness training sessions and some sessions had had to be cancelled, although further training sessions would be arranged for future dates to keep on top of the situation.

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The Assistant Director Human Resources also noted that the Institute of Personnel and Development had recently produced annual sickness information which showed that nationally sickness levels of absence were down but stress absence had increased. As an employer, the Council already offered support to staff and there was also a need for mental related illness to be treated as urgently as other illnesses.

A short discussion took place.

Unison representatives were asked to encourage their members to attend the stress awareness training sessions when dates were confirmed.

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

0425. EQUALITY MONITORING – JANUARY 2014 TO MARCH 2014 and EQUALITY MONITORING – APRIL 2014 TO JUNE 2014

Committee considered two reports in relation to equality monitoring for the periods January 2014 to March 2014 and April 2014 to June 2014 respectively.

A Unison representative stated that it was encouraging to see that more applications from ethnic minorities were being received in relation to vacancies.

Moved by Councillor E. Watts, seconded by K. Shillitto
RESOLVED that the reports be noted.

0426. REVIEW OF STAFF ACCESS TO LEISURE FACILITIES

Committee considered a report in relation to staff access to leisure facilities operated by the Council and proposals that all Council employees and Councillors were charged at a discounted rate of 50% of the total cost of a monthly membership or pay as you go.

The scheme would hopefully encourage employees and Members to participate in sport activities which also supported the achievement of corporate health and wellbeing objectives. The proposed arrangements would also meet HMRC requirements.

A short discussion took place.

Moved by Councillor E. Watts, seconded by Councillor A.M. Syrett
RECOMMENDED that Council approve the proposal that Bolsover District Council employees and Councillors are charged at a discounted rate of 50% of the

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total cost of a monthly membership or pay as you go activities to access Leisure facilities operated by Bolsover District Council.

(Assistant Director Human Resources/Governance Manager)

0427. REVIEW OF DISCIPLINARY POLICY

Committee's consideration was sought in relation to a new draft Disciplinary Policy.

A review of the Disciplinary Policy had been undertaken due to a variety of documents being in existence which covered the disciplinary process. These had now been produced into a draft single document.

Several of the existing documents covered advice and guidance and it was proposed to combine these into a separate procedural document for managers which would not form part of the Policy.

Unison raised concern that they had not had sight of the separate procedural document and requested a decision on the Policy be deferred to allow Unison time to consider the procedural document in conjunction with the Policy.

A lengthy discussion took place around the presumption in favour of dismissal contained within the draft Policy. It was agreed that the Guidance may have an impact on this issue and it could be looked at as part of consideration of the procedural document.

A Unison representative made reference to a tribunal case in 2013 and would circulate details of the case to Human Resources.

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

RESOLVED that the report be deferred to the next meeting of UECC to enable Unison time to consider the managerial procedure document.

(Assistant Director Human Resources/Governance Manager)

0428. REVIEW OF SICKNESS ABSENCE MANAGEMENT POLICY

Committee's consideration was sought in relation to a review of the Sickness Absence Management Policy.

To assist managers in effectively managing sickness absence and to facilitate consistency of approach, the Sickness Absence Management Policies and Procedures of both Bolsover and North East Derbyshire District Council's had been reviewed and brought together into one document. A copy of the draft Policy was attached as an Appendix to the report.

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Several of the existing documents covered advice and guidance at both Councils and it was proposed to combine these into a separate procedural document for managers which would not form part of the Policy.

The adoption of a Policy that was applicable to both Councils would provide an overall framework for managing sickness absence and facilitate consistency and understanding of the processes being followed by both employees and managers. Human Resources would continue to support and advise with all aspects of the process.

Unison raised concern that they had not had sight of the separate procedural document and requested a decision on the Policy be deferred to allow Unison time to consider the procedural document in conjunction with the Policy.

A discussion took place.

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

RESOLVED that the report be deferred to the next meeting of UECC to enable Unison time to consider the managerial procedure document.

(Assistant Director Human Resources/Governance Manager)

0429. DRAFT FLEXIBLE WORKING

Committee's consideration was sought in relation to a minor variation to the existing document, '*Work-Life Balance - Quick Guide for Managers and Employees*', to reflect a recent change in the legislation relating to flexible working.

Committee's consideration was also sought as to whether to recommend adoption of a separate policy relating to the statutory aspects of flexible working.

The latest change to the legislation simply extended the right to request flexible working to all employees. This legislation was primarily aimed at employers who did not already have family friendly policies and there was considerable overlap between the provisions of the legislation and the work-life balance policies currently in place at the Council. In fact, the Council had for some years extended access to its work-life balance policies to all employees.

All policies and procedures at the Council relating to flexible working options were currently contained in two documents;

- '*Work-life Balance Flexible Working Options – Guidance for Managers and Employees*', and
- '*Work-Life Balance - Quick Guide for Managers and Employees*'.

The first of these documents made no direct reference to the legislation and therefore it was not proposed to make any changes at this stage. The second did make specific reference to the legislation within appendix 1 of the document, '*Work-*

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Life Balance – Questions and Answers and an extract attached at Appendix 1 to the report showed the existing wording of the relevant section with the proposed new wording to reflect the changes.

It may be helpful for employees to be aware which elements of the policies represented a statutory entitlement and what the related conditions were, and attached at Appendix 2 the report was a draft stand-alone Policy on Flexible Working for Committee's consideration.

A Unison representative suggested that in the second sentence of the proposed paragraph, 'Do I have the right to apply to work flexibly?', the word 'seriously' be changed to '**reasonably**'.

A discussion took place.

Moved by Councillor E. Watts, seconded by K. Shillitto

RESOLVED that (1) the recent change in the legislation relating to Flexible working be noted,

RECOMMENDED that (1) Council approve the minor variation to the wording in the existing document, '*Work-Life Balance - Quick Guide for Managers and Employees*', to reflect the change in the legislation,

(2) that subject to the amendment of the word "seriously" to "reasonably" Council approve the adoption of a separate policy relating to the statutory aspects of flexible working.

(Assistant Director Human Resources/Governance Manager)

0430. DRAFT APPRAISAL POLICY

Committee's consideration was sought on the adoption of a single policy for Appraisal for use at both Bolsover (BDC) and North East Derbyshire District Councils (NEDDC) with recommendation to Council. The draft Policy and associated forms were attached to the report.

As services continued to work closer together under the Strategic Alliance and with joint senior managers in post working to common or similar service plans, a consistent approach to appraisals at both Councils would be more efficient and less confusing.

Both BDC and NEDDC used appraisal schemes; Bolsover's being the Appraisal Scheme and NEDDC's being the EDPR scheme.

Both schemes assessed the work undertaken by the employee/manager, set objectives for the employee/manager for the forthcoming months and highlighted any learning and development requirements. Both schemes also used competencies to assess employees and managers against a set of pre determined criteria. Employees were currently assessed at six (interim) and 12 (full review) month periods.

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The draft Policy had been produced to include comments and suggestions following consultation with senior managers as well as informal consultation with representatives from the trade unions.

A Unison representative requested that the Policy be reviewed in 12 months.

Moved by Councillor E. Watts, seconded by K. Shillitto
RECOMMENDED that subject to the Policy being reviewed in 12 months, Council approve the adoption of the single Policy for Appraisal.

(Assistant Director Human Resources/Governance Manager)

0431. DRAFT JOINT DRIVING AT WORK POLICY

Committee's consideration was sought on the refreshed Joint Driving at Work Policy and recommendation to Council for approval.

The Joint Driving at Work Policy set out the standards which both BDC and NEDDC Councils expected its employee's and/or agency/contractor drivers to meet and also the framework in which it operated its fleet transport arrangements.

The Joint Driving at Work Policy refreshed both Councils current policy position taking into consideration statutory and regulatory changes which also aimed to establish one standard position across the two Councils to reflect the joint management position of the fleet transport service.

The Policy had been updated to reflect legislative changes of a wider transport and fleet management remit than previously; it now included **all** persons who undertook driving on Council business, such as grey fleet car users, contractors and sub-contractors.

The Policy outlined specific policy statements in order to ensure the Council could demonstrate it had taken reasonable care in its approach to the management of its fleet and persons driving whilst undertaking its business.

Unison representatives raised concern that there could be implications on staff with health issues who were taking medication(s) and also staff with disabilities, and that there was a requirement for an equality impact assessment to be carried out. Further, not all staff affected would want to talk to their manager if they had, for example, mental health issues, plus there were also issues with stigma, for example, someone's gender angle. The Assistant Director - Streetscene confirmed that an equality impact assessment could be carried out and that a member of staff could be referred to an occupational health advisor with any concerns they may have and with a view to changing their duties if necessary.

A Unison representative further raised concern in relation to grey fleet drivers (employees using their own vehicles for work purposes) and the requirement to submit documents as listed in the draft Policy and that Unison had still not had sight of a properly set out rationale for asking for this evidence. Unison felt that staff were

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being held to a higher standard than Members. By signing a monthly expenses claim form, staff confirmed that they held a driving licence etc. The Assistant Director - Streetscene replied that a valid driving licence was an absolute and the rest were checks and measures to ensure that the Council's duty of care to its employees was in place whilst employees were driving their own car on Council business. The Assistant Director – Streetscene made reference to Zurich's guidance on managing grey fleet risks.

Unison representatives noted the requirement in the Policy for a valid MOT certificate and current tax disc and that DVLA changes regarding tax discs would take effect from 1st November 2014 where it would no longer be a requirement to display tax discs on vehicles.

A lengthy discussion took place.

It was agreed that the Assistant Director – Streetscene would provide a copy of the Zurich document in relation to guidance on managing grey fleet risks to Unison representatives and HR Managers.

It was also agreed that further discussions should be held between the Unions and the Assistant Director – Streetscene regarding the Policy in relation to the points raised.

With regard to use of mobile phones in the Policy and that employees should not even use 'handsfree' whilst driving, Unison representatives and Councillors felt that it was an unreasonable requirement for grey fleet drivers.

The Assistant Director – Streetscene drew the meetings attention to a change in wording in the following paragraph, that 'will be' had been changed to 'may be':-

Drivers who must declare to their line manager if they were suffering from any medical condition, or were taking any medication which might adversely affect their ability to drive safely, (e.g. epilepsy, diabetes, visual impairment or other relevant medical condition). In such instances referral to the Council's Occupational Health, advisor **may be** required.

Moved by K. Shillitto, seconded by Councillor E. Watts

RECOMMENDED that subject to the Assistant Director – Streetscene providing a copy of the Zurich document in relation to guidance on managing grey fleet risks to Unison representatives and HR Managers, and further review of the requirement in relation to the use of 'handsfree' with mobile phones for grey fleet drivers, Council approve the Joint Driving at Work Policy.

(Senior HR Advisor/Governance Manager)

The meeting concluded at 1235 hours