

AGENDA

Meeting: STAFFING POLICY COMMITTEE
Place: Committee Room 3, County Hall, Trowbridge
Date: Wednesday 28 July 2010
Time: 10.30 am

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Francis Morland
Cllr Allison Bucknell
Cllr Rod Eaton
Cllr Mike Hewitt

Cllr John Smale
Cllr David Jenkins
Cllr Mark Packard

Substitutes:

Cllr Bill Moss
Cllr Jonathon Seed
Cllr Howard Marshall
Cllr Ernie Clark

Cllr Mary Douglas
Cllr Christopher Newbury
Cllr Peter Colmer
Cllr George Jeans

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PART I

Items to be considered while the meeting is open to the public

1. **Apologies for absence**

2. **Minutes of Previous Meeting** *(Pages 1 - 4)*

To confirm the minutes of the meeting held on 19 May 2010 (Copy attached)

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

5. **Public Participation**

The Council welcomes contributions from members of the public.

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named above for any further clarification.

Members of the public wishing to ask a question should give written notice (including details of any question) to the officer named above by **12.00 noon on Monday 26 July 2010**.

6. **Approval to recruit** *(Pages 5 - 10)*

7. **Trade Union Recognition and Facilities Agreement** *(Pages 11 - 60)*

8. **Quarterly Management Reports March 2010** *(Pages 61 - 62)*

9. **Annual Equality and Diversity report** *(Pages 63 - 76)*

10. **Policies - Dignity at Work and Time Off to Train** *(Pages 77 - 98)*

11. **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be considered as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

12. **Exclusion of the Press and the Public**

To consider passing the following resolution:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in item 13 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 4 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

PART II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

13. **Pay Harmonisation - the Way Forward** *(Pages 99 - 102)*

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STAFFING POLICY COMMITTEE

MINUTES OF THE STAFFING POLICY COMMITTEE MEETING HELD ON 19 MAY 2010 AT COMMITTEE ROOM 3, COUNTY HALL, TROWBRIDGE.

Present:

Cllr Francis Morland, Cllr Allison Bucknell (Chairman), Cllr Rod Eaton, Cllr Mike Hewitt, Cllr John Smale, Cllr David Jenkins, Cllr Mark Packard, Cllr John Noeken and Cllr Jane Scott OBE

14. **Apologies for absence**

There were no apologies for absence.

15. **Minutes of Previous Meeting**

Resolved:

To confirm and sign the minutes of the Committee meeting held on 10 March 2010.

16. **Declarations of Interest**

There were no declarations of interest.

17. **Chairman's Announcements**

There were no Chairman's announcements.

18. **Public Participation**

There were no members of the public present.

19. **Code of Conduct - Policy Update**

The Committee received a report by the Service Director HR & OD which presented an updated Code of Conduct for officers.

It was explained that this Code formed part of the terms and conditions of employment for all officers and was included within the Council's Constitution. There were currently five separate Codes of Conduct which had been in use by the former County and District Councils and there was a need for them to be harmonised to ensure that one Code applied to all staff employed by Wiltshire Council.

Resolved:

To recommend Council to approve the proposed Code of Conduct for officers and to update the Council's Constitution accordingly, subject to the following minor amendments:-

- (i) To highlight point 4 of the Code – “Breach of this code of conduct may lead to disciplinary action which could result in dismissal.”**
- (ii) To reword point 25 to reflect the current use of IT equipment and to state that this is covered by the Council's ICT Policy.**
- (iii) To amend point 26 of the Code to read as follows – “You may only use the Council telephones to make or receive private calls in exceptional circumstances, and with the permission of your manager.”**

20. **Employee Absence - Volcanic Ash**

Consideration was given to a report by the Service Director, HR & OD requesting that consideration be given to adopting a policy for the payment of staff who had been unable to attend work due to the disruption to air travel following the volcanic ash incident.

It had become apparent that the Volcanic Ash incident would not be an isolated incident and there was a significant risk that this situation would reoccur. Members considered that employees should be aware that there was a risk that they could be stranded if they chose to travel abroad by air and it was noted that the half term holidays were due to take place in a couple of weeks' time when a large number of employees were expected to take leave.

After a full discussion,

Resolved:

- (1) To approve a one-off retrospective payment of up to five days' paid leave to members of staff who were unable to return to work during the week commencing 19 April 2010, following the Volcanic Ash Cloud incident which consequently delayed return flights to this Country.
- (2) To agree that any further instances of disruption should be treated in line with the existing Severe Weather Policy, bearing in mind that employees are now aware of the risk taken by travelling abroad.
- (3) To rename this policy as the Time Off for Exceptional Circumstances Policy and to amend managers' discretion to authorise one of the following:-
 - (a) Take a day's leave, where the entitlement allows; or
 - (b) Make up the lost time as soon as is practicable; or
 - (c) Take unpaid leave
- (4) To follow Local Government Employers' advice for school staff, which recognises that they do not have as much flexibility as other staff in terms of their working arrangements.

21. **Pay Harmonisation - Progress Report**

The Committee received a report by the Service Director HR & OD which updated Members on the progress of Pay Harmonisation.

It was noted that at the outset of this project one of the risks identified was that school support staff would need to come within its scope. The newly formed national School Support Staff Negotiating Body had not achieved the planned national agreement which would move school support staff into a new national framework for their terms and conditions by 28 May 2010 as planned. A new deadline had been set for 1 April 2011 with an implementation date of 1 April 2012. This meant that school support staff would need to be included in the pay harmonisation exercise, which would increase the total number of staff in scope from around 5,200 to around 12,000.

Resolved:

- (1) To note the contents of the report.
- (2) To receive a further progress report on this project at the next meeting.

22. **Independent Safeguarding Authority - Proposal for Wiltshire Council to Meet the Cost of Mandatory Registration Fees**

Consideration was given to a joint report by the Service Directors HR & OD and DCS Commissioning requesting the Committee to consider whether the new Independent Safeguarding Authority (ISA) registration fees should be absorbed by the employers or be viewed as a personal expense for new staff in all front-line services for children and vulnerable adults, including education.

After discussion,

Resolved:

- (1) **To approve that the Council should cover the full costs of ISA registration so as to ensure that the workforce is adequately vetted and cleared.**
- (2) **To write to the Government encouraging the introduction of portable CRB checks rather than the current arrangements where separate checks were required in respect of each circumstance.**

23. **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30am – 12.15pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic & Members' Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

STAFFING POLICY COMMITTEE **28th July 2010**

Approval to recruit

Purpose of report

1. The purpose of this report is to provide information to Staffing Policy Committee about the new approval to recruit process which was implemented on 25th June 2010.

Background

2. The council is required to manage a 25 per cent reduction in funding from central government. The council's business plan details that this can be achieved in three key areas:
 - Improve how we purchase, procure and commission our services and products
 - Use our expertise in systems thinking to review our services and cut out waste
 - Review and reduce our management costs. As part of this review, we have agreed that with immediate effect we will manage all vacant posts. The recruitment of all vacant posts will be determined by CLT.
3. CLT are therefore now required to approve recruitment to all vacant posts. In addition the chief executive is required to approve the recruitment to managerial posts.

The approval to recruit process

4. Managers are required to complete a form (appendix 1) to seek approval to recruit. This includes the recruitment of temporary agency and consultancy staff.
5. For all managerial posts (i.e. all posts with managerial and/or supervisory responsibilities) approval is required from both the Corporate Director and the Chief Executive before a post can be advertised.
6. For all other posts approval is required from the Corporate Director before a post can be advertised, or temporary agency resource/ external consultant is engaged.
7. Where temporary agency staff are required to cover a post in an emergency (e.g. to cover sickness absence in a front line service) the Corporate Director can agree to approve these requests retrospectively. However approval will be required in all cases.

8. This form has been added to HR Online, and has replaced the recruitment advert request form.
9. Where posts are not approved for recruitment managers are still required to forward the completed form to the recruitment team. This will enable the monitoring of the vacancy management process, and support the identification of savings and efficiencies achieved via this process.

Environmental Impact of the Proposal

10. None.

Equalities Impact of the Proposal

11. None

Risk Assessment

12. None

Options Considered

13. None

Recommendation

14. That Staffing Policy Committee note the change to the recruitment procedure.

Barry Pirie
Service Director
HR & OD

Report Author: Amanda George, HR Strategy Development Manager – Policy and Reward

The following unpublished documents have been relied on in the preparation of this Report: None

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APPROVAL TO RECRUIT FORM

From Friday 25th June 2010 managers need to gain authorisation for recruitment to all positions. This includes the use of temporary agency and consultancy staff.

Why does this role need to be filled?

You should carefully review the need for the role to determine if it is still required and if so whether it needs to be filled on the same basis or in a different way.

As restructures take place it is likely that there will be a reduction in some roles which will result in staff being placed in the redeployment pool. If current job opportunities are filled on a temporary basis this could provide future opportunities for redeployees.

You should firstly consider how you would manage the impact on customers and service delivery by not recruiting. You should then review the options below:

- Is re-distribution of work possible amongst existing team members?
- Would restructuring remove the need for the role?
- Is there an opportunity to streamline working practices and processes which could remove the need for the role?
- Is there an opportunity for an existing employee to act up or be seconded into the role?

If you believe that the role does need to be filled you should consider the following:

- Whether the role could be filled on a temporary basis, fixed term contract or by secondment rather than on a permanent basis.
- What would be the most cost effective method of recruitment?

STEP 1: Requesting Manager: Please complete Section 1 below for all roles, including agency staff, and then forward to your Corporate Director for consideration.

Where temporary agency staff are required to cover a post in an emergency (e.g. to cover absence in a front line service) your Corporate Director can agree to sign off these requests retrospectively, however formal approval will be required in all cases as soon as possible.

Section 1	
Name of Recruiting Manager:	
Vacant position:	
Department:	
Section:	
Grade of Post:	
Salary Range:	
Type of Resource Required (please tick the relevant box):	
Temporary/Secondment	<input type="checkbox"/>
Temporary agency*	<input type="checkbox"/>
Permanent	<input type="checkbox"/>
External consultant*	<input type="checkbox"/>
End date (if applicable)	
Estimated cost (Temp Agency/Consultant only)	£
Justification for Recruiting:	

STEP 2: Corporate Director approval for recruitment to all roles:

Section 2 - Vacancy authorisation by Corporate Director	
I approve the request to recruit to this role.	Yes <input type="checkbox"/> No <input type="checkbox"/>
Comments: Please include any instructions for the recruiting manager	

Corporate Director – please consider the request, then select one of the options below:

For non-managerial roles: return the form to the requesting manager

For managerial roles you have rejected: return the form to the requesting manager.

For managerial roles you have approved: forward to the Chief Executive for consideration.

STEP 3: Chief Executive approval for managerial roles:

Chief Executive – please consider the request and return to the requesting manager.

Section 3 - Vacancy authorisation for managerial posts only by Chief Executive	
I approve the request to recruit to this role.	Yes <input type="checkbox"/> No <input type="checkbox"/>
Comments: Please include any instructions for the recruiting manager	

STEP 4: Requesting Manager final action:

Requesting manager –

- If approval has been received then please complete the Advert Request form below and forward both parts to recruitment@wiltshire.gov.uk.
- If approval has not been received, then please forward the rejected request to recruitment@wiltshire.gov.uk.

For further help telephone 01225 718040 or email recruitment@wiltshire.gov.uk

*** Are you recruiting consultancy or agency staff?**

If you have authorisation to recruit a consultant or agency staff, then please forward this form to recruitment. You do NOT need to complete the advert request form below, however you may be required to provide additional information for budget management purposes.

STAFFING POLICY COMMITTEE
28 JULY 2010

TRADE UNION RECOGNITION AND FACILITIES AGREEMENT

Purpose of Report

To brief Staffing Policy Committee on the proposed Trade Union Recognition and Facilities Agreement and seek approval for this.

For Staffing Policy Committee to consider UNISON's request for a set number of regular days to be paid for each month for specific Branch roles to be carried out.

Background

Prior to 1 April 2009, each of the five previous Wiltshire authorities had Recognition Agreements with UNISON, GMB and UNITE. Arrangements differed and in December 2008 the Implementation Executive agreed to an interim Recognition and Facilities Agreement. This superseded the existing five different arrangements and was a temporary measure for the transition to One Council. The Implementation Executive stated that it would be for the newly formed Wiltshire Council to determine the future arrangements. These interim arrangements have now been reviewed by Officer and Trade Union officials. This has resulted in the revised attachment (Appendix 1) for which Staffing Policy Committee approval is sought.

Main Considerations for the Council

A Recognition Agreement outlines the Trade Union(s) or Professional Association(s) formally recognised by an employer for the purposes of collective bargaining and employee consultation. The Facilities element of such an agreement defines the facilities such as accommodation, equipment etc that will be made available as well as any time off arrangements.

The proposed Recognition and Facilities Agreement (appendix 1) defines the general principles, duties, roles and responsibilities of representatives and defines what is negotiable and what is for consultation. Importantly it also outlines administrative arrangements including accommodation, and equipment ie facilities. The differences between this and the interim arrangements are minimal, the exception being around the funding and paid time off arrangements.

In consideration of whether to accept the Recognition and Facilities Agreement the following should be taken into account:

- 1) Wiltshire Council (and each of the 5 authorities previously) encourages staff to belong to a Trade Union on the basis that this:
 - promotes a positive and constructive industrial relations climate;
 - facilitates good communication between the authority and staff;

- promotes the Union as representative of staff and staff interests in collective consultation and negotiation.
- 2) Most, if not all, local authorities and larger organisations have Trade Union Recognition and Facilities Agreements in acknowledging the mutual benefits of staff being fully consulted and represented by properly constituted Trade Unions.

Given this and the amount of ongoing change that faces the Council over the next few months and years and the potential implications for staff, such as the significant budget savings required, pay harmonisation as well as the workplace transformation reviews and restructurings, these benefits can only increase.

- 3) ACAS have produced a Code of Practice for Time Off for Trade Union Duties and Activities and it is likely that an Employment Tribunal would take a negative view of an employer the size of Wiltshire Council not adhering to the principles of the Code.

Therefore with all this in mind, it is recommended that Staffing Policy Committee accept the Recognition and Facilities Agreement. This is all with the aim of achieving and retaining a climate of positive industrial relations based upon a partnership approach, effective communications with employees to work towards a high quality public service.

The second consideration relates to the number of days each month for specific Trade Union Official Branch roles to be carried out. Where a Recognition and Facilities Agreement exists Trade Union Officials have a statutory right to reasonable paid time off from employment to carry out trade union activities and training.

The Council currently provides funding of £38,000 per annum to pay for time off for trade union activities. UNISON has chosen that this funds part of the backfill for their Branch Secretary (£23,000) and Branch Organiser (£15,000).

Within the proposed Recognition and Facilities Agreement, UNISON is seeking the following days off for these roles:

	per month
• Secretary	20 days
• Asst Branch Secretary	8 days
• Chair	4 days
• Area Conveners (4 x 8)	32 days
• Health & Safety Officer	4 days
• Welfare Officer	1 day
• Conditions of Service Officer	1 day
• Equality Roles	6 days (shared)
• All other branch officers *	4 days (shared)

* includes: Treasurer, Membership Officer, Communications Officer and Events Co-ordinator.

This equates to 80 days per month. At an average salary of £30,000 pa this would cost: £6,575.34 per month, £78,904 per annum. After the £23,000 per annum currently going towards the funding for the Branch Secretary is deducted the remaining balance which will be picked up by employing departments is £55,904.

Staffing Policy Committee is asked to consider whether they accept this request as reasonable paid time off.

The funding of the other trade union activities such as case work and individual representation is picked up by the employing department. It can mean that some departments incur considerably greater costs than others.

To help Staffing Policy Committee understand the various Union Official and Steward roles they are described within appendix 4 of appendix A and appendix 1 of appendix B.

Appendix C outlines the management recorded time off from 1 April 2010 to 30 June 2010. Again at an average salary of £30,000 pa the cost of this is: £1,002.98. However, both management and unions recognise that systematic recording of approved time off is still in its infancy.

Staffing Policy Committee is asked to note this figure which will be kept under regular review.

Environmental Impact of the Proposal

None

Equalities Impact of the Proposal

To have an agreed framework of Recognition, in accordance with the legislation should maximise consistency of approach.

Risk Assessment

Not having a clearly defined Agreement could lead to a disharmonious industrial relations climate.

Financial Implications

£38,000 has been allocated within base budget and currently goes towards the funding for the UNISON Branch Secretary and Branch Organiser.

There is no budget provision set aside within departments to cover the cost of any cover and backfill arrangements.

Legal Implications

The legislation covering Trade Union Recognition and Facilities arrangements is contained within the Trade Union and Labour Relations (Consolidation) Act 1992 within sections 168 and 170. Section 43 of the Employment Act 2002 extended this to include Union Learning Representatives.

Where a Recognition Agreement exists, an employee who is an official of an independent recognised Trade Union has a statutory right to reasonable paid time off during working hours to carry out Trade Union duties. These duties are of an industrial relations or employee relations nature such as collective consultation and negotiation, and includes case work such as representing union members on pay, disciplinary and grievance matters.

Proposal

Staffing Policy Committee is asked to note the above, consider it in conjunction with Appendix B provided by UNISON, and:

- a) consider whether to agree to the UNISON request for the number of days per month which may result in backfill by the employing department;
- b) subject to a) above agree the Recognition and Facilities Agreement;
- c) consider whether the £38,000 which currently backfills two Trade Union Official roles within UNISON [namely Branch Secretary and Branch Organiser] should continue.

Barry Pirie
Service Director, HR & OD

Report Author: Jane Tagg
HR Business Partner – DoR
janetag@wiltshire.gov.uk 01225 713942

Appendices

Appendix A - Trade Union Recognition and Facilities Agreement
Appendix 1 – Wiltshire Council Joint Consultative Committee
Constitution
Appendix 2 – Wiltshire Council Joint Consultative Committee
for Teachers – Constitution
Appendix 3 – Constitution of the Wiltshire Council Joint Health
and
Safety Committee
Appendix 4 – Trade Union Lay Roles Recognised by the Council

- Appendix B - Wiltshire UNISON Branch Report to Staffing Policy Committee
Appendix 1 – Roles of UNISON Branch Officers
Appendix 2 – Wiltshire UNISON Income and Expenditure 2009
Appendix 3 – Wiltshire Council Activists
Appendix 4 – Lead Contacts for Wiltshire Council Departments
Appendix 5 – Wiltshire UNISON Case Management/Activities
- Appendix C - Management Monitoring of Trade Union Activity from 1 April 2010
to
30 June 2010.

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Wiltshire Council

Trade Union Recognition and Facilities agreement

1 Parties

1.1 This agreement is made between Wiltshire Council (the Council) and the following Trade Unions:

UNISON
GMB
Unite

2 Scope

2.1 The agreement applies to all employees of the Council, other than those covered by separate agreements.

3 Purpose

3.1 The purpose of the agreement is to

- afford recognition to the above Trade Unions as the sole bargaining agent for all relevant employees
- outline the general principles
- define the union representatives roles
- define the duties and responsibilities of representatives
- define which items are negotiable and which are for consultation
- detail the negotiating and consultative constitution and procedures
- outline the administrative and operational facilities and procedures
- co-operate in achieving positive industrial relations based on a partnership approach
- engage in effective communications with employees
- work towards high quality public services

4 Principles

4.1 All parties affirm that they share a common aim in ensuring the efficiency and effectiveness of the Council for the benefit of the public it serves.

4.2 All parties recognise their mutual interdependence in securing the future success of the Council and the best interests of its employees

4.3 All parties recognise that their pursuit of these common objectives under this Agreement shall be by informal and formal communication, consultation and negotiation.

- 4.4 All parties agree that at each stage of the procedure as set out in this Agreement every attempt will be made to resolve issues raised.
- 4.5 The Council recognises that it is to the mutual benefit of the Council and its employees for those employees to be fully consulted and represented by a properly constituted trade union and will inform its employees that it encourages membership of a trade union in the Statement of Particulars issued to all new employees.
- 4.6 To this end the Council affirms its intention as a good employer to maintain a constructive relationship with the recognised Trade Unions.
- 4.7 The Unions undertake to represent fairly the interests of all employees covered by this agreement.
- 4.8 The Council shall not take any unilateral action and the Unions shall not take industrial action in relation to any matters covered by this agreement until the procedures for resolving issues as defined in the Agreement have been exhausted. Neither side should prejudice the national machinery.
- 4.9 The Council acknowledges the need to make information available on issues affecting the staff or business of the organisation.
- 4.10 It is recognised that it is management's responsibility to plan, organise and manage the activities of the organisation.
- 4.11 It is recognised that it is the union's responsibility to represent the interests of its members and work to improve their conditions of employment.
- 4.12 There is a commitment to protect the right of employees to join trade unions and encourage trade union membership.
- 4.13 There is a joint commitment to adhere to and develop policies on equal opportunities.

5 **Representation**

- 5.1 Representatives will carry out the duties prescribed by the Trade Unions' rules and represent members in accordance with the terms of this agreement.
- 5.2 The number of representatives in units/areas within which they will act will be agreed between the Council and Trade Unions. The principle will be to ensure that there is adequate and fair representation.
- 5.3 In order to stand for election as a representative, an employee must have the required Trade Union membership.

- 5.4 Representatives will be elected in accordance with relevant Trade Union rules.
- 5.5 The Trade Unions will notify the Council in writing of the names of representatives as soon as possible after an election.

6 **Negotiable Terms**

The following is a list of negotiable terms subject to this agreement. Some, where indicated, are primarily subject to national negotiation but which may have some local elements or variations -

- Terms and conditions of employment (national)
- Pay awards (national)
- Job descriptions
- Job grading and job evaluation
- Hours of work (national)
- Holiday and sickness arrangements (national)
- Pensions (national)
- Overall salary structure
- Health, safety and welfare
- Equal opportunities and workforce diversity
- Redundancy and redeployment
- Disciplinary, grievance and procedures
- Any other item which both sides agree to refer

7 **Consultative Items**

- 7.1 The Council will consult the recognised trade unions on significant changes in working practices or the organisation of work. The Council will not proceed without first obtaining and considering the views of those trade unions with a view to reaching agreement.
- 7.2 The following is a list of items which may be subject to consultation with the trade unions (but does not exclude any other changes not listed but which affect employees of the Council) –
- New technology or equipment (where it significantly affects working practices and jobs)
 - Staff amenities
 - Restructures of jobs and departments

- Privatisation
- Business transfers
- Collective redundancies
- Reorganisation of staff and relocation of offices
- Training and development

7.3 The Council or trade union(s) shall refer proposals for change to the other party.

8 Negotiation and Consultation Procedure

8.1 All parties agree that it is in their mutual interests to observe a consultative/negotiating procedure by which all issues arising between them can be considered and resolved at the lowest level as early and as speedily as possible.

Line Management

8.2 In the first instance any collective matters of concern will be raised by the appropriate Trade Union with the appropriate line manager with the intention of resolving them at this level.

8.3 If it is not possible to resolve the matter at this level then it will be referred to a regular meeting of Human Resources and the trade unions.

Meetings between Trade Unions and Human Resources

8.4 Meetings between the recognised Trade Unions and Human Resources will take place on a monthly basis. Matters of mutual interest, concern, operational issues and information sharing will be raised at these meetings, or at other times if needed, with the intention of resolving them at this level.

Joint Consultative Committee

8.5 See appendix 1 for the constitution and terms of reference of the Wiltshire Council JCC.

School's Joint Consultative Committee

8.6 See appendix 2 for the constitution and terms of reference for the Schools JCC.

Health and Safety Committee

8.7 The Council will set up in agreement with the trade unions a central Health and Safety Committee according to the guidance in the Safety Representatives and Safety Representatives Regulations 1977 and the Health and Safety Consultation with Employees Regulations 1996. The

Council will also agree directorate, departmental and area health and safety consultation arrangements with the trade unions. The Health and safety Committee will meet quarterly.

8.8 See appendix 3 for the constitution and terms of reference for the Health and Safety Committee.

9 **Administrative Facilities for the Trade Unions and their Accredited Representatives**

9.1 Meetings between representatives of the Council and Trade Unions will be held during normal working hours (except in exceptional circumstances and by joint agreement) and on the Council's premises.

9.2 The Council will provide free meeting room facilities for the Trade Unions to hold Branch Executive meetings.

9.3 Reasonable facilities will be provided by the Council at no cost, at the Trade Unions' request to enable Trade Union members to meet on Council premises.

9.4 The Council will provide secure and private offices at each of its area hubs (i.e. Salisbury, Chippenham, Devizes & Trowbridge) for the exclusive use of UNISON.

9.5 The Council will provide the following facilities - a telephone line, computer (with intranet/internet access and software and hardware support), printer, a desk, chair and filing cabinet

9.6 Photocopying and printing facilities will be made available by the Council.

9.7 The Council will make available reasonable use of the internal and external mail distribution facilities for Trade Union communications.

9.8 The Council will make available reasonable access to the Council's e-mail system and intranet.

9.9 The Council will make reasonable noticeboard space available for the use of the trade unions with dedicated boards at each large workplace.

9.10 The Council will provide a facility under which employee subscriptions to Trade Unions may be deducted from salary at the request of the employee and provide a monthly list of such deductions to the Trade Union.

9.11 The Council will provide to the unions, on a monthly basis, a list of all new employees, except those that withdraw their permission to do so, and a list of those who are leaving the Council. The Council will also

allow the Trade Unions access to induction sessions for new staff to inform and encourage employees of Trade Union membership.

10 **Dedicated Facilities Time**

10.1 The Council will make available to each trade union the following dedicated secondment time –

10.2 UNISON

Secretary	20 Days per month
Asst Branch Secretary	8 Days per month
Chair	4 Days per month
Area Conveners (4 x 8)	32 Days per month
Health & Safety Officer	4 Days per month
Welfare Officer	1 Day per month
Conditions of Service Officer	1 Day per month
Equality Roles	6 Days per month (shared)
All other branch officers *	4 Days per month (shared)
• includes - Treasurer, Membership Officer, Communications Officer and Events Co-ordinator	

NB: any full-time secondment will be governed by the Wiltshire Council secondment policy.

10.3 The Council has set aside a budget of £23,000 to use to part backfill the seconded time undertaken by UNISON branch officers. The allocation of this funding will be subject to annual agreement between the Council and Wiltshire UNISON following the election of branch officers at the Annual General Meetings, usually held in February, and implemented from 1 April each year.

10.4 There is an additional fund of £15,000, subject to 12 months notice of withdrawal, paid annually to Wiltshire UNISON on 1 April each year to assist with the organisation costs incurred by the Branch in conducting its business.

11 **Trade Union Duties**

11.1 In addition to his/her work as an employee an accredited Trade Union representative has the following Trade Union duties for which reasonable paid time off will be granted when those duties fall within his/her working hours (this is not an exhaustive list).

- To prepare and make representations to management on behalf of a member or group of members, including representation as part of the Disciplinary, Capability or Grievance procedures.
- To attend meetings of the JCC, Safety Committee and any sub-committees and to represent the Trade Union in the joint negotiating or consultative machinery at local, regional or national level.

- Attendance at Branch Executive meetings as an elected representative.
 - Attendance at meetings of stewards (e.g. UNISON area steward's group meetings) where Wiltshire Council matters are discussed.
 - To attend management initiated meetings where the manager concerned has requested the attendance of the union representative.
 - To attend appropriate trade union training (see below).
 - To prepare and appear on behalf of his/her members before an outside body, such as an employment tribunal, or other organisation which is dealing with a matter relating to current or past employment within the Council.
 - To inform employees of the role and function of the Trade Unions and encourage membership of those organisations.
 - To carry out the following duties with prior arrangement and agreement of appropriate management
 - to attend staff induction sessions
 - to meet employees
 - to hold surgeries
 - To attend national conferences annually as an elected delegate, the size of the delegation to be in accordance with union rules, and by agreement to include an observer.
 - To attend regional or national service group meetings.
 - To attend as a delegate of their Trade Union at meetings of a committee or sub-committee of the TUC.
 - To undertake arrangements for and conduct workplace meetings and ballots of the membership as required by law.
- 11.2 Timing and time off arrangements for meetings with members will be agreed in discussion with line management in advance and where matters deal with work related issues the assumption will be that reasonable time off will be granted. If meetings are held outside normal working hours time off in lieu will be granted.
- 11.3 Overtime payments will not be made for any time spent on union duties over and above normal working hours.
- 11.4 Management will always endeavour to ensure that any meetings they arrange that involve Trade Union representatives will occur during normal working hours.
- 12 **Training**
- 12.1 The Council and Trade Unions agree on the need for representatives to understand clearly their duties and rights, and agree jointly to encourage their representatives to undergo union accredited training so that they may achieve the skills required to carry out their responsibilities in the best interests of their members and the Council.

- 12.2 The Council will ensure that representatives experience no loss in pay as a result of such agreed training. The Council will not pay overtime for time spent on Trade Union training over and above normal working hours.
- 12.3 The timing of training must be agreed with the representative's line manager and will not be unreasonably refused.
- 12.4 In addition HR will provide specific training to trade union stewards on the HR Policies.
- 12.5 Appendix 4 summarises the trade union lay roles.

13 Interpretation, Variation and Termination

- 13.1 Any disputes as to the interpretation of this Agreement shall be referred to the Joint Consultative Committee (JCC) in the first instance. If the JCC cannot resolve the matter or if there are financial or policy implications, it will be referred to Council's Cabinet. In the event of a failure to agree, the Council and Trade Unions shall take such further steps as may be necessary to resolve their differences, which may include referring the matter to Provincial Council, National Joint Council and/or ACAS.
- 13.2 Either side may submit proposals to amend this Agreement. Such proposals will be in writing and will be the subject of joint negotiations through the JCC in line with 13.1 above. Both parties agree to review this Agreement within 12 months.

Signed –

For the Council –

For UNISON –

For GMB –

For Unite –

Wiltshire Council JOINT CONSULTATIVE COMMITTEE (WCJCC)

CONSTITUTION

1. Objectives:

Without prejudice to the right of management to manage and of staff to make representations either directly or through recognised trade unions, the general objectives of the WCJCC is:

To afford a regular channel for consultation and negotiation as appropriate between Wiltshire Council and the recognised trade unions on matters relating to industrial relations, working arrangements and terms and conditions of service that are not reserved for negotiation at national or other agreed levels.

1 Functions and Scope

1.1 To establish and maintain regular methods of negotiation and consultation between the Council and its employees so as to maintain and improve employee/industrial relations.

1.2 To provide for the participation of staff in decisions that effect their working lives by establishing a regular channel where Council policies may be discussed, differences resolved and representation made.

1.3 To consider any employee/industrial relations matter referred to it by the Council and any Trade Union recognised under this agreement.

1.4 The JCC and its designated sub-committees (which may be set up at any time to discuss specific issues with the agreement of the JCC) will act as a consultative and negotiating body, to deal with all terms and conditions of employment and all other matters referred to throughout these procedures (as per paragraphs 6 and 7 of the agreement).

1.5 The Council will take full account of the information requirements for collective bargaining purposes as set out in ACAS Code of Practice "Disclosure of Information to Trade Unions for Collective Bargaining Purposes".

1.6 The matters for discussion at the JCC shall be all those covered by paragraphs 6 and 7 of the Trade Union recognition agreement.

1.7 The Health and Safety Committee of the Council will report to the JCC.

2 Membership of the Full JCC

2.1 The Management side shall consist of seven members.

2.2. The trade union side shall consist of seven members of which four seats shall be for UNISON, two for GMB and one for Unite. These members shall be employees of the Council.

3. Co-option

3.1 Both sides may co-opt additional members as required, for specific items on the agenda by notice to the Joint Secretaries.

4 Secretaries

4.1 There shall be Joint Secretaries to the JCC, one from the Management Side and one from the trade union side.

5. Attendance and Appointment.

5.1 The trade unions, through their own procedures, will nominate their representative(s) to the JCC. In the event of a JCC member being unable to attend any meeting, the appropriate Trade Union may delegate a person to attend in his or her place, and such substitute shall be entitled to take a full part in the proceedings.

5.2 On the occurrence of a casual vacancy, a new member shall be appointed by the Trade Union in whose representation the vacancy occurs, as the case may be, and shall sit until the end of the period for which his or her predecessor was appointed.

5.3 Regional or National Officers of the Trades Unions recognised by the Council and the Wiltshire UNISON Branch Organiser may attend and participate in meetings of the JCC as ex-officio members and will be written into the Proceedings. Regional or National Officers must register their intention to attend with the Trade union side Secretary (who will convey this intention to the Management Side Secretary) by the day before the meeting at the latest. Attendances may be refused should this intention not be registered.

6. The Chair

6.1 The Chair shall be held in alternate years by the Management Side Chairperson and the Trade Union side Chairperson.

7. Meetings

7.1 Meetings will be held quarterly.

7.2 At least ten days' notice in writing shall be given of meetings and agenda items. For this purpose, notice shall be given to the Joint Secretaries as soon as possible of any matter intended to be raised at this meeting.

7.3 The Council shall provide accommodation for meetings and also the cost of the secretarial and administrative support will be borne by the Council.

7.4 A special meeting of the JCC may be called by the agreement of both Chairpersons. The business to be discussed at the special meeting shall be limited to matters stated on the notice summoning the meeting. Notice of meetings will be as long as possible, but it is recognised that on occasions it will be necessary to call meetings at short notice, and both chairpersons may agree to vary paragraph 7.2 above in these circumstances.

8. Quorum

8.1 A quorum shall consist of at least four members on both sides of the JCC.

9 Failure to agree

9.1 In the event of a failure to agree, the Management and Trade Union Sides shall take further steps as may be necessary to resolve their differences. This may include, with the agreement of Management and Trade Union Sides, reference to Staffing Policy Committee, Provincial Council, National Joint Council and/or ACAS for the purposes of arbitration.

Wiltshire Council

Joint Consultative Committee for Teachers

Constitution 2007

1 Title

The title of the committee shall be the Joint Consultative Committee for Teachers, referred to hereinafter as 'the Committee'. For the purposes of this committee, 'teachers' shall mean teachers employed at Wiltshire local authority maintained primary, secondary and special schools and other teachers employed by Wiltshire Council.

2 Objects

Without prejudice to the right of management to manage and of the teachers to make representations in their interests through the teachers' unions and associations, the general objects of the Committee are:

- 2.1 to effect a regular exchange of views and to establish a consultative procedure between the Council and the recognised teachers' unions and associations;
- 2.2 to afford a regular channel for consultation and negotiation as appropriate between the Council and the recognised teachers' unions and associations on matters relating to industrial relations, working arrangements and terms and conditions of service that are not reserved for negotiation at national or other agreed levels.

3 Functions

- 3.1 Information: to provide information on administrative and organisational matters so that teachers' unions and associations are kept fully informed of plans and intentions that are likely to affect teaching staff.
- 3.2 Consultation: on matters that are for the Council to decide, to provide an opportunity for comment and discussion in order to assist the Council in making those decisions.
- 3.3 Negotiation: to negotiate on local terms and conditions of service not reserved to national or other agreed procedures.

4 Constitution

- 4.1 Membership: the Committee shall comprise the following representatives. Vacancies may be filled as they arise.
 - 4.1.1 Representatives of the County Council:
 - the Director of the Department for Children and Education or their nominee
 - the Human Resources Business Partner for Children and Education

4.1.2 Representatives of the recognised teachers' unions and associations:

The Association of School and College Leaders representative	1
The Association of Teachers and Lecturers representatives	3
The National Association of Head Teachers representatives	2
The National Association of Schoolmasters Union of Women Teachers representatives	3
The National Union of Teachers representatives	3
The Professional Association of Teachers representative	1

4.1.3 Two representatives of the education support staff unions as observers

These observers may speak, at the chair's discretion, but may not vote.

They may be excluded from the meeting for specific agenda items on a simple majority vote of the representatives named in 4.1.1 and 4.1.2 present and voting. (Abstentions are not votes.)

4.2 The Chair of the Committee shall be the Director of the Department for Children and Education or their nominee.

4.3 Advisers: the Committee shall have the right to invite to the meeting any person whose knowledge and expertise is likely to enable it to conduct its business more effectively.

5 Procedure

5.1 Meetings of the Committee shall be held during working hours not less than three times a year, but special meetings may be called at the request of either the representatives of the Council or the representatives of the recognised teachers' unions and associations.

5.2 The agenda for each meeting shall be sent, by post or by electronic mail, to each member of the Committee no later than ten working days before the meeting. Items of business may be added to the agenda at the meeting only with the consent of the representatives of the Council and of every recognised teachers' union and association present.

5.3 The quorum for a meeting shall be one representative of the County Council and one representative of each of three of the recognised teachers' unions and associations.

5.4 Reports and recommendations emanating from the Committee shall be submitted to the appropriate committees, panels and other representatives of the Council.

5.5 Minutes of the proceedings of the Committee shall be prepared by a representative of the Council, who will send them to the Chair of the Committee, and to the nominated Chair of the recognised teachers'

unions and associations, for accuracy checks within 10 working days of the meeting. Thereafter the minutes will be issued by post or by electronic mail, to each member of the Committee within 30 days of the last meeting date.

- 5.6 The representatives of the teachers' unions and associations and the observers shall be paid their ordinary rates of pay and reimbursed travelling expenses.
- 5.7 The representatives of the Council, the representatives of the teachers' unions and associations and the observers shall each be responsible for their own administrative expenses.

**Constitution of the Wiltshire Council
Joint Central Health and Safety Committee**

1. Purpose

The Committee exists to provide the means for management to consult staff representatives about the management of health and safety as it affects the Council's business and its employees.

2. Functions

- a) To secure the effective co-operation of all employees in ensuring the health, safety and welfare of those persons represented;
- b) To encourage a uniform approach and best practice by all departments, by developing knowledge, raising awareness and promoting a pro-active management approach;
- c) To consider the impact of new legislation;
- d) To consider and develop policy;
- e) To promote communications and publicity within the Authority;
- f) To promote and monitor the effectiveness of the safety content of employee training;
- g) To analyse and consider the implications of information and reports from Enforcing Authorities;
- h) To examine safety reports on a similar basis;
- i) To develop, introduce and monitor safety rules and safe systems of work;
- j) To study accident/notifiable disease statistics and trends so that reports can be made to management on unsafe or unhealthy conditions and practices, along with recommendations for remedial action;
- k) To watch over the adequacy of health and safety communication and publicity in the workplace;
- l) To keep the effectiveness of the Safety Policy under review and as necessary recommending changes to it;

- m) To consider and recommend action where local management has been unable to resolve a health and safety issue satisfactorily.

3. Membership

The Committee shall comprise:

- a) Representing the Council:

- i) The SST Service Director responsible for OH&S
- ii) 1 nominated officer from each of:
 - Transport, Environment and Leisure
 - Economic Development, Planning and Housing
 - Resources
 - Children and Education
 - Community Services

- b) Representing staff:

Staff representatives can attend as per the tariff below. Nominees are at the discretion of individual unions but should be union-appointed Safety Representatives or Safety Officers and reflect the whole of the County Council's workforce.

UNISON	4 representatives inc. the UNISON Health and Safety Officer
GMB	1 representative
Unite	1 representative

- c) The Council's Occupational Health and Safety Manager, Insurance and Risk Manager and an Occupational Health Nursing Adviser shall be permanent advisers to the Forum. The UNISON Branch Organiser will also be a permanent adviser to the Committee. Other internal advisers from either side of the Forum and other external advisers may attend from time to time subject to prior notice being given to both sides.
- d) The number of management representatives should not exceed the number of employee representatives.
- e) Management representation should be aimed at ensuring adequate authority to give proper consideration to views and recommendations.

- f) Additional management representatives may attend the Forum for items of interest.
- g) Substitutes will be allowed for both sides.
- h) Membership of the safety committee must be regarded as part of an individual's normal work. He/she should suffer no loss of pay through attendance at meetings of the committee or at other agreed activities, such as safety inspections undertaken by, or on behalf of, the committee.

4 Conduct of Business

- a) The committee will meet at least quarterly, and more frequently if business demands, on dates agreed generally one year in advance. A quorum will comprise of 3 persons per side.
- b) The Chair will rotate annually between the Council and staff side.
- c) Management agenda items will be prepared by the Occupational Health and Safety Manager. Items from employee representatives should be submitted to the Occupational Health and Safety Manager at least 10 working days before the day of the meeting. All members of the Committee are encouraged to put forward items.
- d) All members of the committee should have equal voting rights. Neither side is responsible to, or for, the other.
- e) In the event of the committee being unable to resolve any matter satisfactorily or if the committee has continuing serious concerns about a particular issue, then the Chairman will have the means to refer to the Corporate Directors and/or Portfolio Holder.
- f) Minutes of the meeting will be taken by a secretary appointed by the Chairman and circulated as soon as possible after the meeting. Minutes will be submitted to the Council's Regulatory Committee and the Joint Consultative Committee and will be available to all employees via the Intranet.
- g) This Constitution will be reviewed annually or at any other time at the request of either side.

5 Schools Safety Forum

A forum for management and trade union representatives in schools will be held on a regular basis to discuss all schools related health and safety issues. Notes from these meetings, general policy matters and

unresolved issues will be referred to the Council's Joint Central Health and Safety Committee.

Trade Union Lay Roles Recognised by the Council

Steward – elected Trade Union representative whose role includes organising, recruiting, representing and communication with union members.

Convenor – senior steward elected from amongst a group of stewards covering a directorate, department or geographical area.

Health and Safety Representative – elected Trade Union representative whose role includes representing union members and employees on all matters which concern employee health, safety and welfare at work.

Lifelong Learning Representative – elected Trade Union representative whose function involves encouraging employees to access lifelong learning and training opportunities, enabling such access and liaising with management in all training matters.

Workplace Contact – informal role undertaken by Trade Union members in areas without a steward who may distribute union literature in the workplace and put up notices.

UNISON Branch Officers

(for a description of the duties contact the UNISON Branch Secretary)

- **Chairperson**
- **Secretary**
- **Treasurer**
- **Education Co-ordinator**
- **Life-long Learning Co-ordinator**
- **Health and Safety Officer**
- **Equalities Officer (s) – e.g. Women's, Black and Ethnic Minorities, Lesbian Gay and Transgender, Disabled, Young Members**
- **Communications Officer**
- **Membership Officer**
- **International Officer**
- **Welfare Officer**
- **Service Conditions Officer**
- **Assistant/Vice Chairperson**
- **Assistant Secretary**

The Council will be notified about the appointment of persons to any positions not listed above and will be informed about their duties.



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Wiltshire Council: Trade Union Recognition and Facilities Agreement

Report to: Wiltshire Council Staffing Policy Committee

July 2010

1 Purpose

To provide the Staffing Policy Committee with supporting evidence for consideration in conjunction with the Trade Union Recognition and Facilities Agreement.

2 Scope

This information has been provided on behalf of Wiltshire UNISON only.

3 Background

Wiltshire UNISON was created in January 2009 from the merger of five local government branches across Wiltshire in the run up to local government reorganisation.

The branch currently has in excess of 3200 members, of which approximately 70% work for Wiltshire Council. The remaining members work for about 75 other public sector organisations and are serviced by their own network of convenors, stewards and representatives.

In total, across all employers, the branch has about 30 branch officers and convenors (some of whom job-share or multi-task), 53 stewards, 26 health and safety reps and 2 union learning reps. We are still short of our target of one activist for every 25 members. Within the Council we have some service areas that are well represented but there are others where we still have a need to recruit stewards and reps.

In addition to the elected activists the branch directly employs two branch organisers and three branch administrators (all of whom are part-time).

Negotiations over the Recognition and Facilities Agreement commenced in the autumn of 2008, with the then Interim Executive, and have continued following the formation of the new Council. Interim arrangements for facility time have been in place, however, now that the new branch has settled down we need to formalise our arrangements in order to allow for medium to long term planning.

4 Why support such an Agreement?

A properly structured Recognition and Facilities Agreement between the unions and Employer ensures that there is a defined structure in which all aspects of Industrial relations can be managed.

The agreement drafted between Wiltshire Council and the Trade Unions within the Council manages to ensure a clear and efficient structure is in place to allow for all such issues to be jointly resolved.

The current negotiations over harmonising the Terms and Conditions of employment for all staff within the Council demonstrate how valuable the recognition and facilities agreement is to the Council.

By being able to reach an agreement with the Unions, the implementation of a new pay structure is made far easier. The unions are able to present the issues that are the cause of concern to staff, as well as highlighting potential ways of resolving such concerns or issues. If such issues were not negotiating collectively via this process, there would be a need to consult with each employee individually, and seek the individual agreement of each member of staff, which would be both resource and cost intensive.

The list of issues, in the draft agreement, over which negotiation or consultation would be required, reflects the statutory issues over which such talks should take place. The ability to undertake such talks on a collective basis rather than an individual one represents a huge efficiency to the Council.

The time off for representatives that the agreement affords is the equivalent of four full time equivalent staff, which when contrasted against the staffing hours that would be required for individual consultation on each and every issue cited within the agreement alone, represents a more effective and efficient means of achieving the desired outcomes.

By reaching agreement with the Unions over issues, the risk of legal challenges from staff is greatly reduced, both in terms of the likelihood of success, and in the number of such claims being made.

In most cases it would be necessary for a member of staff to pursue any claim via the internal procedures before pursuing an issue legally. This would mean using the Council's grievance procedure. There would need to be at least one investigatory meeting, before the hearing proper. This process requires a HR advisor, a manager to chair and someone to take notes, as well as the individual bringing the grievance. This means four members of staff using their time for this. There is then the possibility of an appeal involving the same number of staff, after which a legal challenge may still come if the issue is not resolved to the satisfaction of the member of staff.

The costs to the Council of defending against such claims, regardless of their likelihood of success would be high given both the staffing hours required and the costs of the legal support required through such a process.

Another key area in which there is union involvement is the disciplinary and grievance processes. The union representatives receive training on these processes, meaning they are able to guide staff through them in an appropriate manner, and thus ensure that the process is smooth.

As the union representatives are made known to the council, it is easier to manage the time off required for such duties, as everyone will know where the representative is based, and can plan accordingly. The alternative would involve members of staff choosing a colleague, which would involve a large pool of potential advocates, and thus ensuring adequate cover is in place is harder. They are unlikely to have received training on the processes, and thus they may not be as efficient or effective in dealing with the process.

By dealing with the same representatives over such issues, it is often easier to find a resolution outside of the formal process that saves both time and money for the Council. If either party can identify a potential problem or issue on the horizon, it can be discussed and dealt with before it does become a problem, again saving time and money.

In the Wiltshire Agreement, the role of the convenors is to act as a fixed point of reference for departments, ensuring that this consistency is present.

Designated Branch officer posts such as health and safety officer and equalities officer afford a stable and consistent contact that mirror the Councils' own groups. The unions are often able to provide resources and funding for certain events, including education programmes for staff.

The representatives of the union to whom the time off is awarded, by implication, are those who are employed by the council. This gives these individuals a clear link to the employer. They will be aware that any decisions will have direct consequences for them and their colleagues, and as such this ensures that proper consideration is given to the merits of any proposals.

Were such arrangements not be in place, the only alternative is for others to be drafted in from outside the organisation, which would both divorce them from the implications of any proposals, and the regular contact of other staff members whose opinions they are supposed to represent.

5 Issues raised by Head of HR & OD

Wiltshire UNISON was asked to provide information on the following matters which it was felt that the Staffing Policy Committee would wish to consider when discussing the above Agreement.

- Key Posts - what are the roles and specific responsibilities of these posts (to assist Members understand the purpose, roles and reasons for having them);
- A breakdown of information on how union subs are spent; and
- Information on the usage of roles and how they are monitored.

6 Key posts, roles and responsibilities

A summary of the main tasks attributed to UNISON branch officers is contained in **Appendix 1**. These posts are required by UNISON rules and are essential to the effective management and organisation of a large branch. The duties attached to these posts are also mainly determined by UNISON guidance.

Please note:

- that facility time is not requested for all these roles
- post holders are elected annually and may be employed by other organisations, in which case Wiltshire UNISON will negotiate separately with the relevant employer for adequate facility time for that individual

7 How are union subs spent?

The subscriptions paid by our members do not come directly to the branch. UNISON has a fairly complicated funding calculation which determines how much goes to our head office, to regional office and to the branch. **Appendix 2** provides a summary of the branch income and expenditure for 2009.

8 Usage of roles and how they are monitored

A list of current branch officers is provided in **Appendix 3**. The appendix indicates which department, service area and team the elected officer works in. Please note that not all branch officers are employees of Wiltshire Council.

Appendix 4 summarises the involvement of branch officials, employed by Wiltshire Council, in various joint working groups, formal committees and projects that are currently ongoing.

The branch has developed and trialled a case management system, a key element of which is a requirement that all branch activists to complete a monthly return. We use this return to collate information about live cases and also additional information about other activities they have been involved in. An example of the Return, which was designed to meet our own monitoring requirements, may be found in **Appendix 5**.

An attempt to evaluate the last four months returns has highlighted a number of difficulties in presenting the full picture so far as it relates to Wiltshire Council employees. This is because due to the way the information has been collated we are;

- unable to distinguish between time spent by branch officers and other active stewards
- unable to distinguish between activists employed by Wiltshire Council and other employers
- unable to distinguish between time spent during working hours and time spent in our won time, for example, attendance at Regional Council meetings which take place on Saturday's.

In addition to completion of the above monthly return, there are several other ways in which the activities of branch officers are monitored:

- via regular reports on activities made to each branch executive committee (BEC) meeting we hold
- convenors and the branch secretary meet quarterly to discuss workloads, issues and identify any trends etc
- the branch secretary meets individually with some branch officers to discuss workloads and priorities
- branch officers are expected to provide reports to members on their activities, via articles for our newsletters and website
- following attendance at seminars, conferences and meetings reports are submitted or presentations made to the BEC

- branch officers submit reports to our members at the annual general meeting/s

We are happy to work with Head of HR to determine a method of monitoring activity that would suit both our purposes.

9 Conclusions

There are a number of advantages to the authority to have in place a robust and appropriate facilities and recognition agreement, these include:

- management will be dealing with a single point of contact
- there will be consistency of position from the staff side
- collective agreement on issues can be achieved rather than seeking agreement with individuals
- dealing with trained representatives and negotiators
- access to funding and knowledge from the wider union (a regional and national perspective)
- staff representatives on projects are able to 'buy in' on the outcomes

We believe that by working together, particularly during a period of massive change, there will be:

- significant time savings
- the impact on staff can be better managed
- additional lines of communication with staff are available
- the Council can concentrate their efforts where needed and be more focussed in their approach to reviewing, implementing and managing change

10 Recommendations

That the Facilities and Recognition Agreement be signed off by the Staffing Policy Committee.

Report prepared by:

Gavin Brooks, Regional Organiser

Sue Anderson, Branch Secretary, Wiltshire UNISON

Appendices:

- 1 Summary of branch officer roles
- 2 Summary of branch income and expenditure 2009

- 3 List of branch officers
- 4 Details of branch officers (and some stewards) involved in Wiltshire Council formal committees, projects and UNISON appointed lead negotiators
- 5 Monthly Case Management etc Return

Roles of UNISON Branch Officers

For each role the tasks relating to it include:

Branch Chair

- The branch chair presides over all meetings of the branch and branch committee to ensure that businesses properly conducted
- Advises branch officers on matters relating to procedure and interpretation of rules
- Ensures that all functions of the branch are carried out
- Works closely with the secretary to provide leadership to the branch

Branch Secretary:

- Acts as the strategic lead officer and co-ordinator within the branch
- Encourages partnership working within the branch committee and the development of new representatives
- Will manage branch staff
- Manage the delegation of work to other branch officers and branch staff as appropriate
- Provides support and guidance

In addition, the secretary is responsible for ensuring the proper completion of the following specific tasks:

- Will guide branch's development through the preparation and implementation of a branch organisation and development plan
- To ensure the representation of members within the branch in accordance with national guidance and that case forms and applications for services forwarded to UNISON offices are properly completed and authorised
- To provide strategic leadership on campaigning and lobbying activity
- To convene and attend all meetings of the branch and branch committee
- To arrange for minutes of meetings to be kept in a proper manner and circulated to all branch officers and stewards
- To ensure the branch processes applications speedily and accurately and to maintain membership records
- To ensure regular communication with members
- To communicate with the union's national and regional offices on behalf of the branch

- To ensure members are aware of opportunities to participate in the activities of the wider union
- To support, mentor and encourage stewards on a collective and individual basis
- To ensure members and stewards are aware of, and take advantage of the educational and training opportunities within UNISON
- To ensure appropriate publicity activities are developed and co-ordinated by the branch
- To act as spokesperson for the branch when in contact with other levels of the union or external organisations
- To ensure members receive the benefits, rights and services to which they are entitled
- To co-ordinate all branch negotiations and industrial relations matters
- To ensure the branch observes the unions rules, supports UNISON campaigns and work's towards achieving UNISON's objectives
- To ensure the proper management and direction of any branch employed staff

Assistant Branch Secretary

- To deputise for the branch secretary
- To assist the branch secretary to carry out the duties and responsibilities of that post
- To take responsibility for specific tasks in agreement with the branch secretary

Convenors

- To act as a co-ordinator of stewards, reps activities either within a geographical, employer or functional basis (eg local government, department of resources within Wiltshire Council, Wiltshire Fire and Rescue Service)
- To support, mentor and advise stewards within their area of responsibility
- To monitor workloads of individual stewards and reps
- To take a lead in consultation and negotiation with the employer within their area of responsibility
- To meet with the appropriate managers and/or HR reps at regular intervals to discuss issues of common interest
- To report to the branch secretary and branch committee on member issues, case workloads, employer related restructurings or proposed changes to work patterns, location etc
- To convene regular meetings for stewards and reps within their area of responsibility
- Assist the branch education officer to ensure all stewards and reps take up appropriate training opportunities
- Be actively involved in UNISON consultation exercises within the branch or regional/national requests
- Meet regularly with each other and the branch secretary to agree priorities, help develop the branch development and action plan

Health and Safety Officer

- To increase awareness of members, health and safety reps and branch officers of health and safety issues
- To organise the information held by the branch on health and safety
- To co-ordinate the activity of health and safety reps and to organise regular meetings of reps to exchange information and consider priorities
- To be closely involved in all negotiations with the employer on matters relating to health and safety
- To advise the branch committee on health and safety issues arising in the branch and to recommend policies and priorities
- To act as a link between the health and safety reps and other branch reps to ensure health and safety is an integral part of the work of the branch
- To maintain contact with the region and regional service groups

Welfare Officer

- To ensure that branch officers, stewards and also employers have regular up-to-date information about UNISON welfare and its range of services
- To ensure that members seeking welfare assistance receive a prompt, supportive and effective response
- To liaise and co-ordinate with regional and national levels to ensure UNISON Welfare support is provided effectively
- To undertake training and seek advice from UNISON Welfare where necessary
- To develop and implement local welfare activity
- To develop links with local charities and support such as Citizen's Advice Bureau and women's refuges

Equalities Roles (Equalities Officer, Women, LGBT, Black, Disabled)

- To be the identified and publicised point of contact in the branch for equalities issues
- To collect and share information on equalities issues
- To make sure other branch officers and the branch committee consider the equalities dimension of everything they do
- To make sure 'equal opportunities' is being raised in all collective bargaining
- To encourage and support the development of branch self-organised groups
- To co-ordinate the self-organised groups
- To make sure new recruits know about UNISON's commitment to equality and opportunities to participate in self-organisation
- To advise branch officers and branch committee on development and monitoring of the action plan to achieve proportionality and fair representation

- To co-ordinate the development and training of members from under-developed groups
- To coordinate motions and support to delegates attending self-organised group conferences

Young Members Officer

Young members must be under 27 years of age.

- To recruit new members and to encourage existing young members to become active in the branch
- To make sure issues of concern to young workers are raised by the branch
- To act as a focal point for all young workers in the branch and workplaces
- To receive and distribute UNISON young members information
- To encourage involvement in UNISON young members campaigns
- To build branch young members organisation to ensure there are potential new young members' officers in the future

Treasurer

- To conduct the branch's financial business
- To keep accounts in accordance with the rules
- To provide reports on the financial position of the branch
- To advise branch officers and committee in respect of matters relating to financial management and appropriate expenditure
- To provide an audited annual return of branch income

Membership Officer

- To map the branch's membership in order to identify membership density and steward coverage
- To monitor branch's recruitment, and also leavers rate
- To work with the branch committee to develop and implement its organisation and development plan
- To make recommendations to the branch committee on recruitment activities, targets, resources, budgets etc
- To liaise with the providers of UNISON benefits services
- To raise awareness of the member services available to members

Communications Officer

- To explain UNISON's policies and to provide the information members need to play an active role in their union
- To assist with the efforts to recruit new members
- To help support UNISON's national and regional campaigns

- To help create a positive image for the branch among members, potential members and the public
- To produce news-sheets or bulletins for distribution to branch members
- To lead on the development of electronic communication with members
- To ensure branch communications are in accessible formats
- To ensure that nationally and regionally produced publicity and campaign materials are distributed
- To monitor local media for stories which affect the branch and to take appropriate action
- To help ensure the branch makes effective contact with the media wherever necessary by:
 - Creating and maintaining mailing lists to media outlets and contacts
 - Writing press releases
 - Ensuring that appropriate individuals within the branch are available for comments, interview etc
 - Writing 'letters to the editor'

Lifelong Learning Co-ordinator

- To work closely with the education officer
- To co-ordinate the activity of learning reps in the branch education team
- To work with colleagues to recruit learning reps
- To be closely involved in negotiating around learning with the employer
- To co-ordinate and disseminate information on learning opportunities in the branch
- To ensure that the work of learning reps is fully integrated into the branch

Education Officers

- To make sure all new stewards and safety reps receive initial information and guidance about their duties
- To publicise the range of educational and training opportunities available to members and activists
- To get untrained stewards, reps and officers onto appropriate courses
- To co-ordinate and support the work of learning representatives
- To encourage branch members and activists to make use of UNISON Open College courses
- To maintain contact with the regional education officer/committee
- To establish a training plan for activists and to produce an annual budget to meet its costs
- To keep training records
- To make sure activists get paid time off for training where appropriate

Labour Link Officer

- To explain and develop the role of the UNISON Labour Link within the branch and ensure that correct procedures are followed regarding the rights of Labour Link levy payers
- To receive correspondence and information on Labour Link matters from national and regional levels and from the Labour Party
- To circulate information to Labour Link members in the branch and to convene meetings of members as necessary
- To attend the UNISON branch committee and agree appropriate means of promoting UNISON policy in the party
- To organise elections for branch UNISON Labour Link representation within the regional Labour Link as necessary and ensure reports are made by branch delegates on their activities on behalf of members
- To liaise with the Labour Link regional political officer
- To promote political education and policy discussions
- To strengthen links with local Labour Parties by affiliating to constituencies and electing delegates to attend meetings
- To communicate with Labour Party members within the branch and encourage individual membership of the Labour Party
- To build campaigning work around key issues and co-ordinate campaigns with the Labour Party in Council, Westminster, and European elections

International Officer

- To co-ordinate the branch's work on international relations
- To ensure that branch members are informed of national policy on international matters
- To receive and distribute relevant information
- To encourage members to be aware of the importance of international solidarity issues within the context of the overall work of the union
- To liaise where appropriate with regional international structures and to ensure that the views of the branch on international activities are reported accurately
- To liaise with other branch officers concerning publicity and education on international issues
- To liaise with the solidarity organisations and campaigns that UNISON is affiliated to
- To encourage members of the branch to take action and participate in international solidarity activities organised nationally or regionally
- To ensure that information on branch activity is shared at regional and national level
- To seek to develop an international perspective among members, stewards and branch officers

Wiltshire Unison Income & Expenditure 2009

Below is a summary of the branch's income and expenditure for 2009

The branch receives a proportion of the total membership subscription paid, with the rest allocated to cover national and regional expenses.

In 2009 we dipped into our (limited) branch reserves as a number of one off expenses were incurred during the setting up of the new branch.

	£££	% (approx) of income	% (approx) of expenditure for 2009
Total Income 2009	£92,573.80	100.00%	
Total Expenditure 2009	£106,633.63		100%
deficit for 2009	£14,059.83		
Activists - courses, conferences, meetings, seminars, further education	£15,809.17	17.00%	15%
Publicity & Promotion	£7,374.04	8.00%	7%
Staff Salaries	£47,131.74	51.00%	44%
Postage	£12,682.54	14.00%	12%
IT Maintenance, Telephone, Equipment Hire and all office Communication	£6,588.90	7.00%	6%
Office Sundries (Stationary, p/c, and general office maintenance)	£9,259.51	10.00%	8%
Projected income for 2010	£97,205.04		

Wiltshire Council Activists - Directorates, Service Areas, Teams - Branch Officers

Name	Unison Office	Directorate	Service Area	Team
Anderson, Sue	Branch Secretary	Public Health & Wellbeing	Public Health	Health & Safety

Beaumont, Anthea	Convenor	Swindon College		
Bushell, Emma	International Officer	Swindon College		
Clarke, Nigel	Welfare Officer & Convenor	Neighbourhood and Planning (DNP)	Street Scene	East
Dickson, Gareth	Membership Officer	Neighbourhood and Planning (DNP)	Development Management	West Team
Earney, John	Health & Safety Officer	Neighbourhood and Planning (DNP)	Neighbourhood Services	Inspections and Adoptions
Fivash, Jenny	Young Members Officer	Neighbourhood and Planning (DNP)	Development Management	West Hub North Team
Haynes, Robert	Convenor	Neighbourhood and Planning (DNP)	Recycling	East
Hubbart, Liz	Life-Long Learning Co-ordinator	Public Health & Wellbeing	Public Protection	Food Team West & North
MacGregor, Rosie	Branch Chair	Neighbourhood and Planning (DNP)	Development Control	West area
McNabb, Lillian	Assistant Branch Sec & Welfare Officer & Service Conditions Officer	Community Services (DCS)	Adult Social Care	West team
Mitchell, Jane	Convenor	Dept of Resources (DoR)	Revenue & Benefits	South Team - Revenue, Benefit, Fraud
Mitchell, John	Branch Treasurer	Dept of Resources (DoR)	Revenue & Benefits	South Team
Parfitt, Tracy	Convenor	Wiltshire Probation Service		
Parkinson-Hill, Joanna	Education Co-Ordinator	Neighbourhood and Planning (DNP)	Leisure Services	East

Reed, Barry	Convenor	Neighbourhood and Planning (DNP)	Amenities & Leisure	Waste, Recycling & Cleansing
Robinson, Patricia	LGBT Officer & Convenor	Neighbourhood and Planning (DNP)	Waste Management	East
Rose, Carla	Young Members Officer	Neighbourhood and Planning (DNP)	Development Management	West Team
Slade, Michelle	Equalities Officer	Neighbourhood and Planning (DNP)	Strategic Services	Passenger Transport Unit
Smith, Joan	Convenor	Public Health & Well Being (PHW)	Public Protection Services	Business & Operational Technical Support
Solman, Chris	Labour Link Officer	Neighbourhood and Planning (DNP)	Development Management	West Team
Tucker, Jackie	Events Co-ordinator	Neighbourhood & Planning (DNP)	Amenity & Fleet	Enforcement & Inspection
Unsworth, Tim	Convenor	Public Health & Wellbeing (PHW)	Public Protection	Consumer Protection North & West
Walters, Lorraine	Women's Officer	Community Services (DCS)	Adult Care Strategy & Commissioning	Learning & Development
Williams, Gina				

Lead Contacts for Wiltshire Council Departments

	Resources (DoR)	Children & Education (DCE)	Community Services (DCS)	Neighbourhood and Planning (DNP)	Public Health & Wellbeing (PHW)	Policy, Research & Comms (CEX)
Director	Carlton Brand	Carolyn Godfrey	Sue Redmond	Mark Boden	Maggie Rae	Laurie Bell
HR Business Partner	Jane Tagg	Lorraine Nowlan	Jane Margetts	Lisa Hayes	Jane Margetts	Jane Tagg
UNISON Contact Key branch officer or convenor, who will take a lead on consultation and negotiation with directors, HR business partners and service managers	Sue Anderson to be confirmed	Tim Unsworth Yvonne Pike	Sue Anderson Lillian McNabb	Nigel Clarke Rosie MacGregor Barry Reed	Joan Smith Sue Anderson	to be confirmed

Wiltshire UNISON Lead Contacts for specific projects/negotiating groups:

<p>Job Evaluation Moderation Panels</p> <p>JE Panels</p> <p>Trained in JE</p> <p>To undergo training</p>	<p>Chris Solman</p> <p>Barry Reed Carole Stevens Rosie MacGregor Russ Brooks Yo Suter Jackie Tucker</p> <p>Sue Anderson Jane Mitchell Joan Smith Tim Unsworth</p> <p>Lorraine Walters Anne Smith Gareth Dickson</p>
<p>Harmonisation Pay Harmonisation Team</p> <p>Pay Harmonisation Negotiating Team</p>	<p>Sue Anderson</p> <p>Sue Anderson Rosie MacGregor Lillian McNabb Pat Robinson</p>
<p>Workplace Transformation Workplace Transformation Project Team</p> <p>Workplace Transformation Steering Board</p>	<p>Lillian McNabb</p> <p>Sue Anderson</p>

Leisure Facilities Strategy Project Board	Sue Anderson
HR On-Line Steering Board Stakeholder Panel	Sue Anderson Lillian McNabb
LGPS, Wiltshire Pensions Board	Mike Pankiewicz
Joint Consultative Committee	Sue Anderson Rosie MacGregor Lillian McNabb Pat Robinson
Safety Committee	John Earney Mike Osment Chris Solman Karen Roberts
Equality Impact Panels for HR Policies	Sue Anderson Rosie MacGregor
Specific Policy Review Panels/Groups for example; Driving at Work	Rosie MacGregor

Wiltshire UNISON: Case Management / Activities

In order for the branch executive to be able to assess stewards workloads and keep records of other activities they are involved in we request that the following documents are completed and submitted monthly to the branch office (by email preferable, in person or by post).

Please note that we do **not** require great detail, just a brief summary.

Case Management:

Code	Description
D	Disciplinary
G	Grievance
Ca	Capability
A	Absence
B	Bullying / Harassment
P	Performance
Co	Contract/TUPE issues
JE	Job Evaluation
R	Redundancy
O	Other

Other Activities:

Code	Description
1	Induction session
2	Job evaluation/pay reform
3	Meetings with management
4	Meetings with members
5	Training
6	Admin
7	Branch activists meetings
8	Regional/National Meetings/conferences
9	Other

Many thanks for your help

Sue Anderson
Secretary, Wiltshire UNISON

Wiltshire UNISON: Case Management

Branch officer/Steward:

Month:

2010

Member (name)	Member Number	Employer / department	Case Type Code	New Case Y/N	Comments / Actions Summary	Formal stages Y / N	Approx time spent	Date completed or referred on

To be submitted monthly to the branch office.

Wiltshire UNISON: Other Activities

Branch officer/Steward:

Month:

2010

Date	Employer or Department	Code	Brief description (eg where, purpose, who was present, who instigated meeting) Outcome or action taken	Approx time spent

To be submitted monthly to the branch office.

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				Appendix C
Recorded Union Duties from 1 April 2010 to 30 June 2010				
Department	Reason for request	Time start	Time finish	Total time
DCS	Meeting with Manager	10.30	13.00	2.50 hours
TEL	Meeting with Managers	14.30	16.30	2.00 hours
TEL	Meeting with Managers	13.30	18.00	4.50 hours
TEL	Other - Corporate issues	8.00	11.30	3.50 hours
TEL	Other – JE Panel	11.30	17.30	6.00 hours
TEL	Other – JCC Meeting	8.00	14.00	6.00 hours
TEL	Other – corporate issues	09.00	13.00	4.00 hours
TEL	Meeting with Managers	14.30	16.30	2.00 hours
TEL	Other – JE Panel	8.00	14.00	6.00 hours
TEL	Other - Corporate issues	9.00	13.00	4.00 hours
TEL	Other – JCC Meeting	13.00	18.00	5.00 hours
TEL	Other - Corporate issues	10.00	13.30	3.50 hours
TEL	Meeting with Managers	13.00	17.30	4.50 hours
TEL	Meeting with Managers	08.00	15.00	7.00 hours
TEL	Casework	10.00	12.00	2.00 hours
TEL	Other Corporate issues	08.00	13.30	5.50 hours
TEL	Other JCC Meeting	08.00	14.00	6.00 hours
TEL	Other JE Panels	12.00	17.00	5.00 hours
TEL	Meeting with Managers	14.30	17.00	2.50 hours
TEL	Casework Corporate issues concern Pay Harmonisation			5.5 hours
TEL	Flexi			9.5 hours
TEL	Branch Executive and Clear Union office at Browfort	08.00	17.00	9.00 hours
TEL	Meeting with Managers	15.30	17.30	2.00 hours
TEL	Conference re: Sickness procedures	09.00	17.00	8.00 hours
TEL	Convenors Meeting	10.00	13.00	3.00 hours
TEL	Branch Executive Meeting	10.00	15.00 plus tra	5.00 hours
TEL	Branch Executive	10.00	15.00	5.00 hours
TEL	Health & Safety Rep	all day		7.50 hours
TEL	Health & Safety Rep	all day		7.50 hours
TEL	Health & Safety Rep	all day		7.50 hours
TEL	Health & Safety Rep	all day		7.50 hours
TEL	Health & Safety Rep	all day		7.50 hours
TEL	Meeting with Manager	11.00	17.00	6.00 hours
TEL	Meeting with Manager	15.00	17.00	2.00 hours
TEL	Meeting with Manager	15.00	17.00	2.00 hours
TEL	Meeting with Managers to discuss JEQs	10.00	17.30	7.50 hours
TEL	Training	09.00	17.00	8.00 hours
TEL	Meeting	18.00	20.00	2.00 hours

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WILTSHIRE COUNCIL (excl. schools) Quarter ended: March 2010

**benchmarked against DLA Piper Benchmark (54 contributing local Authorities) unless otherwise stated.
Figures are average for all local authorities, plus upper quartile (in brackets) where appropriate.*

Management Information Team Observations:

- All departments saw an increase in full time equivalents with the exception of T.E.L and CHEX during the final quarter of 2009-2010.
- However, compared to the 1st of April 2009 the authority has reduced in size by 96 FTE's (-2%).
- Each department has decreased in size with the exception of EDPH (+4%) & DCE (+2%). The Chief executive inc. Policy and Communications team has seen a particularly big reduction (-22%).
- The percentage of Under 25's in the workforce has increased (+0.6%) this quarter with each department seeing an increase except TEL. This has been as a direct result of the increased use of the Future Jobs Fund which aims to get 16-24 year old workers into employment on 6 month contracts.
- TEL, however, have by far the highest percent of under 25's (11.5%) bringing the overall level up above our benchmark to 6.8%. EDPH (3.6%) and CHEX (1.5%) have particularly low levels of under 25's in their workforce.
- With the exception of Resources, who saw a smaller increase (+5%), all departments saw an increase of around 25% in staff with temporary contracts during the final quarter of 2009-2010. This can be seen as a direct link to the increase of under 25's who have been recruited on short term contracts.
- Sickness rates dropped slightly from the previous quarter which is in line with the usual seasonal pattern. However, DCE (+0.4 days per FTE), CHEX (+0.9) and EDPH (+0.1) did see a slight rise from the previous quarter. However; DCS (11.6) and TEL (10.9) saw the greatest days lost per FTE over the full year.
- It is worth noting that during the final quarter of 2009-2010 20% of sickness incidents, accounting for nearly 30% of sickness days lost, were not entered onto Manager Self Service (MSS) by the employee's manager but by Shared Services (through Self-certification forms). As of April, self-certification forms no longer exist therefore if MSS is not used by managers to report sickness absence there will be significant under reporting.
- As a result of shared services entering sickness, 21% of sickness days lost is not attributed to a reason. Managers using MSS are unable to not enter a reason.
- Fractures, muscles and joints accounted for the greatest amount of days lost this year (21%). Despite the worry about swine flu just over 1% of sickness was attributed to this.
- There have been a low number of health and safety (RIDDOR - Reporting of Injuries, Diseases and Dangerous Occurrences) reported incidents during this year. EDPH did not have any incidents while TEL (10.9 incidents per 1000 employees) saw a high number of these incidents, taking it beyond the benchmark.
- DCE (11.2%) saw the highest voluntary turnover, during 2009-2010, whilst CHEX saw the lowest (5.3%).
- "Resigning for a job outside of a local authority" (22.4%) was the reason stated by the highest percent of voluntary leavers.
- Disciplinary and grievance rates at Wiltshire Council are below benchmarks and therefore generally low with Resources (2.0 cases per 1000 employees) seeing the lowest ratio of cases.
- Disciplinary and grievance cases at Wiltshire Council however, are very high (17.9 cases per 1000 employees) and far above the benchmark of 11.2.

QUARTERLY WORKFORCE REPORTING

WILTSHIRE COUNCIL (excl. schools) Quarter ended: **March 2010**

**benchmarked against DLA Piper Benchmarker (54 contributing local Authorities) unless otherwise stated. Figures are average for all local authorities, plus upper quartile (in brackets) where appropriate.*

		<i>Change since last quarter</i>
Headcount	5638	+67 (+1.2%)
FTE	4491	+47 (+1.1%)

	<i>Current period</i>	<i>Last period</i>	<i>*Benchmark</i>
WORKFORCE AGE PROFILE			
% of workforce under 25	6.8%	6.2%	6.2%
% of workforce 55 and over	22.5%	22.4%	20.0%

EMPLOYEE DIVERSITY			
% of workforce who are female	70.7%	70.6%	65.2%
% of workforce who are part-time	42.3%	41.9%	40.4%
% of workforce on temporary contracts	11.4%	10.1%	10.9% (6.6% uq)
% of workforce who are Black or Minority Ethnic	1.4%	1.4%	3.8% (4.3% uq)
% of workforce who have a disability	2.0%	2.1%	3.4% (4.0% uq)

SICKNESS ABSENCE			
Working days lost per FTE (if annualised)	9.3 days	9.8 days	10.1 (8.6 uq)
Average length of absence (fte days) ytd	4.5 days	4.5 days	7.1 days
% of total absences over 20 days (ytd)	39.8 %	38.8%	47.7%

HEALTH AND SAFETY			
No. of workplace incidents/injuries reported per 1000 employees (ytd annualised)	4.1	3.6	7.7 (3.4 uq)

VOLUNTARY STAFF TURNOVER			
% staff turnover (ytd annualised)	9.8%	10.4%	7.9% (6.5% uq)
% who left within first year's service (ytd annualised)	16.4%	19.4%	n/a
Average leavers' length of service	8.5 yrs	8.2 yrs	n/a

DISCIPLINARY AND GRIEVANCE CASES			
No. of disciplinary cases per 1000 employees (annualised)	9.1	9.7	11.2 (4.8 uq)
No. of grievance cases per 1000 employees(annualised)	4.6	4.8	6.2 (3.1 uq)

STAFFING POLICY COMMITTEE
28th July 2010

Annual Equality & Diversity Report 2009/10

Purpose of Report

1. To provide workforce and recruitment information for the year relating to 2009/10.
2. To identify the actions that Wiltshire Council has, and is taking to meet both statutory requirements and our employment commitments under the Race, Disability and Gender Equality Schemes.
3. To outline implications arising from the forthcoming Equality Act 2010.

Background Information

4. Within the Appendices, comparisons are given between information as at 1st April 2009, at the commencement of Wiltshire Council and as at 31st March 2010.
5. Where information is specifically referred to in the text the relating statistics are highlighted in yellow.
6. It should also be noted that there is a significant amount of unknown information with regards to both ethnicity and disability

Workforce & Recruitment Information

7.1 Staff In Post - This information is attached in **Appendix 1** and in summary is a straight forward headcount of staff with Full Time Equivalent (FTE) and Part-Time (P/T) information included.

- The overall headcount of non schools staff has decreased by 109 staff (1.9%).
- The breakdown between the % of full time and part time staff remains virtually unchanged at 57.68% full time staff and 42.32% part time staff.

7.2 Ethnicity

- There has been a very slight increase in both the number of staff stating they are from a black and minority ethnic (BME) background (14 staff or 0.08%) and staff stating white/other (33 staff or 0.34%).
- There has been an improvement in the total of unknown ethnicity of staff from 31.38% last year down to 27.79%.

7.3 Disability

- The number of staff overall, who consider themselves to have a disability has slightly increased from 146 to 151 staff. This increase is from non schools employees. Within the schools data the figure has decreased by two from last year from 38 to 36 staff.

7.4 Gender

- 81.26% of employees are female, this figure remains virtually the same as last year.

7.5 Age

- The breakdown of staff across the age bands also remains virtually unchanged.

Leavers and Remuneration Information

8. Leavers - Information on leavers, includes schools staff. See **Appendix 2**. The leavers information shows that our current workforce data is incomplete despite an attempt to encourage staff to check and amend their personal data through the Employee Self Service function within the SAP system

8.1 There were 2214 leavers in the year to 31st March 2010 where the ethnicity was unknown for 747 employees equating to 33.7%. Of the leavers 1383 (62.4%) were white British, 35 (1.6%) were BME staff and 50 (2.3%) were white/other.

8.2 The disability status was unknown for 1005 (45.4%) of leavers. The number of leavers who considered themselves disabled, was 25 staff (1.1%).

8.3 There were 1811 (81.8%) female leavers compared with 403 (18.2%) male leavers.

8.4 The highest % of leavers was from the age 65+ age band with 37.6% leavers within that category (97 out of 258 staff). The next highest % was from the under 25 age group where 25.4% of the age band left 180 out of 708 staff.

9. Remuneration - The table in **Appendix 2** includes schools staff and is based on full time equivalent salary not actual salary paid.

9.1 The number of staff in the lowest pay band has significantly reduced, following the pay award in April 2009, only the two lowest scale points were under £13,000, so the number of people in this category will continue to reduce.

9.2 By far the highest % of males employees are paid within the highest pay band (43.12%) and in contrast the lowest % of females are paid within the highest pay band, although due to the vast majority of employees being female there are still more females in the highest pay band than males.

9.3 The lowest % of BME staff are within the highest salary banding (0.37%). The highest % of BME and white/other staff are in the under £13,000 pa category, (2.99%) and (6.59%) respectively.

Members Diversity Monitoring

Data was collected on Members as at June 2009, following the first Wiltshire Council elections. The summary is detailed in **Appendix 2**. It shows that 93% of members are

white British, 65% are over the age of 55, 75% are male and 14% consider themselves to have a disability. It is only intended to collect this data after each local election process.

Applicants for Employment

10. The information relating to Applicants for Employment is attached as **Appendix 3**. This information is taken from the Tribal e-recruitment system but excludes school data as they do not use e-recruitment and monitor their own data which we do not have access to. Shortlisted data is now available for the first time through the Tribal e-recruitment system and %'s have been calculated from numbers shortlisted from the applicant group (eg. out of 9745 White British applicants, 3124 were shortlisted which equals 32%).

10.1 The % for the numbers of applicants by group is not significantly different compared with applicants from the previous year recorded by WCC.

10.2 The % of BME applicants slightly decreased compared with applicants applying to WCC from 9.8% to 8.1% with 17.2% of BME applicants being shortlisted. The number of white/other applicants increased from 1.3% to 2.1% with 10.5% of white/other applicants being shortlisted.

10.3 The % of disabled applicants shortlisted (37.7%) is higher than the % of non disabled applicants shortlisted (31.6%) indicating that the Council's commitment to the Jobcentre Plus awarded Double Tick Scheme is successful where all disabled applicants meeting the essential requirements of the job description are guaranteed an interview.

10.4 The % of females applying for posts within WC was lower than the number of females applying for posts with WCC whereas the number of male applicants increased. There was a slightly higher % of females shortlisted but a slightly higher % of males being appointed.

10.5 The % of under 25 year olds shortlisted is significantly lower than within the other age categories however once reaching shortlisting stage have a higher % of being appointed.

Equality Legislation and The Equality Framework for Local Government

11. We currently have a raft of employment related equality legislation that we comply with including specific statutory race, disability and gender equality duties that require us to:

- Eliminate unlawful discrimination
- Eliminate harassment because of one's disability, or gender
- Promote equality of opportunity
- Take steps to take account of disabled people's disabilities, even where that involves treating disabled people more favourably than others
- Promote positive attitudes towards disabled people
- Encourage participation by disabled people in public life
- Involve disabled people in decision-making

- Promote good relations between people of different racial groups

11.1 We have recently reviewed our Dignity at Work policy and continue to work with the Staff Disability Forum and BME staff Forum to ensure that we continue to promote equality and diversity within the organisation. The Equality Networking lunches are also an opportunity for any employee with an interest in diversity to learn, participate and have a voice regarding equality issues within the organisation. We also support the No Barriers (disability and age) awareness promotions.

12. It was mentioned in the last report that the Equality Act was expected to be introduced from 2010. This has now received Royal Assent and will be implemented from October this year. The main focus of the new legislation is to simplify the existing complex laws and bring them together under single legislation, the change will require organisations to revisit existing policies and practice including:

- Recognising nine protected characteristics which are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation
- A single objective “justification” will replace the different tests currently in use to make it harder to justify less favourable treatment of individuals
- “Discrimination arising from disability” and “indirect discrimination” will replace the existing “disability-related discrimination”
- Employers will be discouraged from asking disability related questions during recruitment and discouraged from using pre-employment health questionnaires
- Gender pay gap audits
- Greater encouragement for transparency of reporting on employment rates to ensure progress is being made
- Ban on discrimination by association
- Positive action in recruitment and selection
- Single equality duty from April 2011
- New rules on what is considered to be a protected belief

13. Much of the direction that our equality and diversity priorities are now focussed is driven by Equality Framework for Local Government. The benefits of this framework are identified as helping authorities comply with their legal duties as well as to meet the needs of local government performance assessment. Within this framework there are five areas covering all aspects of diversity, these are, ‘Knowing your Communities, Place Shaping, Community Engagement and Satisfaction, Responsive Services and Customer Care and a Modern and Diverse Workforce’. We will be assessed against criteria in each area as Developing, Achieving or Excellent.

13.1. A preliminary assessment against the employment area of the framework, ‘A Modern and Diverse Workforce’ has indicated that we are a mixture of ‘achieving’ and ‘developing’.

Our objective is to become a fully 'Achieving' authority by April 2011. See Appendix 4 for the current assessment of progress and areas to improve.

14. The People Strategy Action Plan which went to Staffing Policy Committee in March includes a number of equality focussed initiatives including reviewing and equality impact assessing all HR policy in consultation with all relevant stakeholders.

15. Single Equality Scheme - At present we have published separate Equality Schemes for race, disability and gender but in anticipation of the Equalities Act, and in order to provide a more consistent approach to equality and diversity we are currently working to produce a Single Equality Scheme to cover all areas of diversity. The consultation for the scheme has been undertaken jointly with partner organisations to ensure with less duplication and a wider consultation catchment. This also includes a Corporate Action Plan of actions as initiated through each departmental management team.

Equalities Impact of the Proposal

16. The recommendation seeks to continue to support and develop policy and good practice towards ensuring that all existing staff and applicants do not face barriers or discrimination whilst at work. The introduction of the Equalities Act and internal good practice will address the issue of replacing the equality schemes with one single scheme to include all diversity strands in order to both meet statutory obligations and to further promote diversity in the workplace.

Risk Assessment

17. N/A

Financial Implications

18. At present it is anticipated that the development of further training and positive action initiatives will be met within existing budget allocations

Legal Implications

19. We currently have statutory duties to comply with under the following legislation:

- Race Relations Act 1976 and subsequent Amendment Acts 2000, 2003
- Disability Discrimination Acts 1995 and 2005 and subsequent Amendment Act 2003
- Equal Pay Act 1970 and Sex Discrimination Acts 1975 and 2003, Employment Equality (Sex Discrimination) Regulations 2005 and Equality Act 2006
- Employment Equality (Age) Regulations 2006
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003

Conclusions

20. In general our statistics show no significant change from last year, although there are slight increases in the numbers of BME staff and disabled staff. The most recent figures that we have for the economically active BME community in the Wiltshire Geographical area, is 1.6% of the employment population. This compares similarly to our workforce information that 1.06% of our staff are from BME backgrounds. Comparison with working age disabled people within the geographical area is less favourable as latest figures indicate that 10% of the working age population (not just the economically active so is slightly higher than actual figure would be) has a long term disability. Our statistics show that just less than 1% of our workforce has declared a disability. Another reason why this figure is so low is that it is likely that for various reasons not all disabled staff will have declared that they consider themselves disabled.

21. The data still shows significant unknown information. This should improve with the ongoing use of Tribal, the e-recruitment system which captures data electronically and efforts need to continue to encourage existing staff to use the Employee Self Service function within SAP to review and amend their own personal data.

22. Another significant area where the statistics show underrepresentation is regarding the recruitment and retention of the under 25 years of age group with just over 4% of the workforce, although this has been the case for the last few years. There is also a higher turnover rate within this age band at 25.4% compared to an average of 13% in other age bands, the only exception to this year was a huge rise in the number of over age 65 employees at 37.6% in their age band.

23. It is noticeable that the % of disabled applicants shortlisted (37.7%) is higher than the % of non disabled applicants shortlisted (31.6%). This is evidence that we take our commitment to the Double Tick Symbol Award seriously and promote it to recruiting managers appropriately. We are due to submit our application to retain this award in August 2010.

24. During this previous year we have still been going through the appointments process following the One Council merger with recruitment and selection procedures are restricted as we try to protect existing staff. This limits opportunities for recruiting new staff in the short term. This situation is unlikely to change in the foreseeable future with the current financial situation facing the public sector and our own decision to 'manage' new vacancies. It is important that we continue to support and develop policy and good practice towards ensuring that existing staff and applicants do not face barriers or discrimination whilst at work. Work continues with both staff forums to promote and develop initiatives to positively raise awareness and improve diversity within the workplace. Future liaison with the work of the Culture Groups would also be useful and relevant in developing a positive image of the diversity of our workforce.

25. We will need to review Equality and Diversity policy in the light of the new Wiltshire Council and the forthcoming Equality Act and where appropriate build in positive action initiatives within our People Strategy for future recruitment and selection initiatives to encourage applications from all areas of the community and ensure that individuals needs are respected.

Recommendations

26. That the Committee note the contents of this report.

Barry Pirie
Service Director, HR and OD

Report Author: Amanda Collyer

**The following unpublished documents have been relied on in the preparation of this Report:
None**

Appendix 1

Staff in Post

Staff in Post – A headcount of staff in post as at 31st March 2010

Numbers	Headcount	FTE	PT	%	FT	%
Non Schools	5638	4492	2386	42.32%	3252	57.68%
1.4.09	5747	4668	2515	43.76%	3232	56.24%
Schools	10032	5567	7222	71.99%	2810	28.01%
1.4.09	9761	5451	6989	71.60%	2772	28.40%
Total	15670	10059	9608	61.31%	6062	38.69%
Total 1.4.09	15508	10119	9504	61.28%	6004	38.72%

By Ethnicity – As at 31st March 2010 (%’s given relate to total number of employees not of known ethnicity)

Ethnicity	BME	%	White British	%	White Other	%	Total Known	%	Total Unknown	%	Total
Non Schools	77	1.37%	4146	73.5%	200	3.55%	4423	78.45%	1215	21.5%	5638
1.4.09	77	1.34%	4051	70.49%	188	3.27%	4316	75.10%	1431	24.90%	5747
Schools	89	0.89%	6676	66.54%	127	1.26%	6892	68.7%	3140	31.30%	10032
14.09	75	0.77%	6144	62.94%	106	1.09%	6325	64.80%	3436	35.20%	9761
Total	166	1.06%	10822	69.06%	327	2.09%	11315	72.2%	4355	27.79%	15670
Total 1.4.09	152	0.98%	10195	65.74%	294	1.90%	10641	68.62%	4867	31.38%	15508

By Disability – As at 31st March 2010 (%’s given relate to total number of employees not of known disability)

Disability	Disabled	%	Not Disabled	%	Total Known	%	Total Unknown	%	Total
Non Schools	115	2.05%	3403	60.35%	3518	62.40%	2120	37.60%	5638
30.6.09	108	1.87%	3325	73.62%	3433	59.42%	2345	24.51%	5778
Schools	36	0.36%	6015	57.54%	6015	60.32%	3981	40.58%	10032
30.6.09	38	0.69%	5466	99.31%	5504	56.39%	4257	43.61%	9761
Total	151	0.96%	9418	60.10%	9569	61.06%	6101	38.94%	15670
Total 30.6.09	146	0.94%	8791	56.57%	8937	57.51%	6602	42.49%	15539

By Gender – As at 31st March 2010

Gender	Female	%	Male	%	Total
Non Schools	3988	70.73%	1650	29.27	5638
1.4.09	4055	70.56%	1692	29.44%	5747
Schools	8746	87.18%	1286	12.82%	10032
1.4.09	8522	87.31%	1239	12.69%	9761
Total	12734	81.26%	2936	18.74%	15670
Total 1.4.09	12577	81.10%	2931	18.90%	15508

By Age – As at 31st March 2010

Age	under 25	%	25-34	%	35-44	%	45-54	%	55-64	%	65+	%	Total
Non Schools	381	6.76%	967	17.15%	1353	24.0%	1666	29.55%	1151	20.42%	120	2.13%	5638
1.4.09	371	6.46%	961	16.72%	1409	24.52%	1716	29.86%	1184	20.60%	106	1.84%	5747
Schools	327	3.26%	1544	15.39%	3257	32.47%	3185	31.75%	1581	15.76	138	1.38%	10032
1.4.09	295	3.02%	1554	15.92%	3269	33.49%	3037	31.11%	1472	15.08%	134	1.37%	9761
Total	708	4.52%	2511	16.02%	4610	29.42%	4851	30.96%	2732	17.43%	258	1.65%	15670
Total	666	4.29%	2515	16.22%	4678	30.17%	4753	30.65%	2656	17.13%	240	1.55%	15508

Appendix 2

Leavers and Remuneration (inc schools) and Members Diversity Monitoring

Leavers By Ethnicity

	White British	%	BME	%	White Other	%	Unknown	%	Total Leavers
2009/10 (WC)	1382	62.4	35	1.6	50	2.3	747	33.7	2214
2008/09 (WCC)	1102	54.6	21	1.0	27	1.3	867	43.0	2017

Leavers By Disability

	Not Disabled	%	Disabled	%	Unknown	%	Total leavers
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2009/10 (WC)	1184	53.5	25	1.1	1005	45.4	2214
2008/09 (WCC)	1025	50.8	10	0.5	982	48.7	2017

Leavers By Gender

	Female	%	Male	%	Total leavers
2009/10 (WC)	1811	81.8	403	18.2	2214
2008/09 (WCC)	1720	85.3	297	14.7	2017

Leavers By Age

2009 - 2010	Under 25	25-35	35-45	45-65	65+	Total
Leavers	180	359	638	940	97	2214
No. in Age Band	708	2511	4610	7583	258	15670
Turnover in band	25.4%	14.3%	13.8%	12.4%	37.6%	14.1%
Turnover in Band 2008/09 (WCC)	27.5%	15.9%	13.0%	10.6%	17.9%	13.0%

By Remuneration 1 – As at 31st March 2010 including figures as at 1.4.09 (WC)

Remuneration FTE Salary Band £	Numbers within band	Gender				Ethnicity				Disability	
		% Female		% Male		% BME		% White Irish/ WO		% Disabled	
		2010	2009	2010	2009	2010	2009	2010	2009	2010	2009
£0-13,000	334 (671)	81.44	84.65	18.56	15.35	2.99	1.79	6.59	3.73	0.90	2.1
£13-20,000	7952 (7932)	87.34	86.55	12.66	13.45	1.16	1.05	1.80	1.58	0.93	1.9
£20-30,000	3403 (3024)	78.31	78.01	21.69	21.99	1.03	0.99	2.47	2.31	0.85	1.6
£30-40,000	3174 (3124)	75.39	75.64	24.61	24.36	0.82	0.74	1.86	1.73	1.13	2.1
£40,000+	807 (757)	56.88	55.75	43.12	44.25	0.37	0.53	2.35	2.64	1.12	2.2

Members Diversity Monitoring as at June 2009

Ethnicity -

White British (inc. 4 members identified as English)	White Irish/White Other	BME	Not known
84 93%	2 2%	0	4 5%

Gender-

Male	%	Female	%	Not known	%
67	75%	21	23%	2	2%

Disability -

Not Disabled	%	Considered Disabled	%	Not known	%
74	83%	13	14%	3	3%

Age -

Under 25	26 - 35	36 - 45	46 - 55	56 - 65	Over 65	Not known
0 0%	1 1%	7 7%	21 23.5%	36 40.5%	22 24.5%	3 3.5%

Appendix 3

Applicants, Shortlisted Candidates and Starters

Applicants and Shortlisted data – This information is for the period 2009/10 and has been taken from the Tribal e-recruitment system but excludes school data as they do not use e-recruitment and monitor their own data which we do not have access to. **Starters data** – This has been taken from SAP but also excludes Schools data for comparison purposes.

By Ethnicity

	White British	%	BME	%	White Other	%	Unknown	%	Total Applicants
Applicants 2009/10 (WC)	9745	89.2%	881	8.1%	228	2.1	68	0.6	10922
Applicants 2008/09 (WCC)	6119	88.3%	679	9.8%	87	1.3	41	0.6	6926
Shortlisted 2009/10	3124	91.6%	152	4.5%	24	0.7	14	0.4	3408
No. of Starters 2009/10	382	87%	11	2.5%	8	1.8%	38	8.7%	439
No. of Starters 2008/09	500	87.4%	12	2.1%	10	1.8%	50	8.7	572

	White British	BME	White Other	Total Applicants
% of applicants in group shortlisted 2009/10	32%	17.2%	10.5%	31.2%
% of applicants shortlisted appointed 2009/10	12.2%	7.2%	33.3%	12.9%

By Disability

	Not Disabled	%	Disabled	%	Unknown	%	Total Applicants
Applicants 2009/10 (WC)	10289	94.2%	342	3.1%	291	2.7%	10922
Applicants 2008/09 (WCC)	6382	92.1%	245	3.5%	299	4.3%	6926
Shortlisted 2009/10	3258	95.6%	129	3.8%	21	0.6%	3408
No. of Starters 2009/10	368	83.8%	10	2.3%	61	13.9%	439
No. of Starters 2008/09	453	79.2%	6	1.0%	113	19.8%	572

	Not Disabled	Disabled	Total Applicants
% of applicants in group shortlisted 2009/10	31.7%	37.7%	31.2%
% of applicants shortlisted appointed 2009/10	11.2%	7.75%	12.9%

By Gender

	Female	%	Male	%	Unknown	%	Total Applicants
2009/10 (WC)	7266	66.5%	3568	32.7%	88	0.8%	10922
	4930	71.2%	1951	28.2%	45	0.6%	6926

2008/09 (WCC)							
Shortlisted 2009/10	2344	68.8%	1043	30.6%	21	0.6%	3408
No. of Starters 2009/10	295	67.2%	144	32.8%	0	0%	439
No. of Starters 2008/09	452	79%	120	21%	0	0%	572

	Female	Male	Total Applicants
% of applicants in group shortlisted 2009/10	32.2%	29.2%	31.2%
% of applicants shortlisted appointed 2009/10	12.6%	13.8%	12.9%

By Age

	under 25	%	25-45	%	Over 45	%	Unknown	%	Total Applicants
2009/10 (WC)	2491	22.8%	5495	50.3%	2839	25.9%	97	1%	10922
2008/09 (WCC)	1610	23%	3188	46%	1968	28%	160	2%	6926
Shortlisted 2009/10	554	16.2%	1813	53.2%	1018	29.9%	23	0.7%	3408
No. of Starters 2009/10	87	19.8%	187	42.5%	165	37.7%	0	0%	439
No. of Starters 2008/09	118	20.6%	273	47.7%	181	31.7%	0	0%	572

	under 25	25-45	Over 45	Total Applicants
% of applicants in group shortlisted 2009/10	22.2%	32.9%	35.9%	31.2%
% of applicants shortlisted appointed 2009/10	15.7%	10.3%	16.2%	12.9%

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STAFFING POLICY COMMITTEE
28 July 2010

DIGNITY AT WORK – POLICY UPDATE

Purpose of Report

1. This report presents the updated Dignity at Work Policy for officers, managers and contractors and is recommended for adoption and implementation.

Background

1. Prior to 2009 Wiltshire County Council operated an agreed Dignity at Work policy and the 4 former District Councils operated Bullying and Harassment Policies for their staff. Since then the Dignity at Work policy, based on the former county council's policy, has formed part of the terms and conditions of new employees. It is also a key element of the Council's induction programme for staff and it supports the Council's corporate Plan, "One Council – One Culture, treating others with respect".
2. Following concerns raised about use of the policy an independent review was undertaken which recommended that:
 - a) the Council's Dignity at Work Policy should have its own identified process for investigating and considering complaints
 - b) that the procedure should include a clear appeals process for all parties.
3. Human Resources aims to create policies which are consistent in format, easy to read and understand and are fit for purpose. This policy is in the new format which supports these aims. The formal part of the policy now links directly with the Disciplinary Procedure which covers the investigation process and how to address complaints. The new appeals process for the complainant is covered in the Appeals section of the policy.

Main Considerations for the Council

4. In amending the policy key stakeholders were consulted including Human Resources advisers, Richard Payne – South West Regional Employers, and the Joint Consultative Committee where the unions agreed the revisions to the policy.
5. The main changes to the Dignity at Work Policy have been:
 - Formatting the policy in line with the new policy template.

- Clarifying the formal procedure to be followed when complaints cannot be resolved at the informal stage.
 - Providing a process of appeal for the person raising the complaint at the investigation stage.
 - Providing a toolkit with both manager and employee guidance and standard letters for managers.
6. Agreement is sought to implement the revised policy as a harmonised policy for all Wiltshire Council Employees.

Environmental Impact of the Proposal

7. None.

Equalities Impact of the Proposal

8. An Equalities Impact Assessment will be undertaken.

Risk Assessment

9. None identified

Options Considered

10. None.

Recommendation

11. To recommend that Staffing Policy Committee approve the revised Dignity at Work policy.

Barry Pirie
Service Director
HR & OD

Report Author: Zandra Letts, Human Resources Advisory Team

The following unpublished documents have been relied on in the preparation of this Report: Ex Wiltshire Council Dignity at Work Policy

Wiltshire Council Human Resources

Dignity At Work Policy & Procedure

This policy can be made available in other languages and formats such as large print and audio. Contact the Human Resources Policy team for further information.

What is it?

Wiltshire Council's Dignity at Work Policy details that:

- the council is committed to creating an environment of positive working relationships and all employees are to be treated with dignity and respect in the work place
- every employee needs to comply with the policy and embrace a culture which provides supportive and positive working relationships and behaviour which underpins the council's vision, values and beliefs
- redress over inappropriate behaviour or language can be sought through the policy which could include mediation. Such contraventions may be treated as a disciplinary offence in line with the Code of Conduct.

Who does it apply to?

The policy applies to all workers which includes employees, managers and contractors. There is also a specific schools version.

Main Points

Inappropriate Behaviour

1. Language or behaviour which could contravene this policy can take many forms, occur on a variety of grounds and may be directed at an individual or a group of individuals. Language or behaviour which one person finds acceptable may not be acceptable to another. It includes unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.
2. Inappropriate language and behaviour can arise from a single or a combination of factors. Some examples are:

- using language or behaviour that is intended to result in physical, mental or psychological hurt.
 - inappropriate behaviour may be direct or indirect but it is not only the acts or the words that need to be considered but how the person on the receiving end perceives the behaviour. If it is behaviour that is unjustified, unwarranted, unwanted, uninvited and unreciprocated then it needs to be addressed
3. Inappropriate behaviour can range from violence to less obvious forms such as ignoring someone. Whatever the form it will be unwanted behaviour which is unwelcome and unpleasant.

Raising the Matter

4. An employee who believes the conduct of another employee is in breach of the policy may choose to:
- deal with the matter themselves informally.
 - involve a third party (e.g. a colleague) to assist in dealing with the matter informally.
 - make use of the mediation service
 - pursue the matter formally
5. Every attempt must be made to resolve complaints at the lowest possible level and at the earliest possible stage. Use of the mediation service will be encouraged to achieve this where possible.

Informal Procedure

6. Informal action can be taken in the following ways;
- by approaching and explaining to the person considered to have used the inappropriate behaviour or language why it is unacceptable and requesting them to stop and referring them to this policy
 - if the complainant feels unable to approach the person a letter to them covering the same points could be considered.
 - the complainant may ask someone else to approach the person on their behalf or to accompany them.

- through HR or the Occupational Health/Counselling Service a request for mediation can be made.
- records of any approaches made and any letters sent should be kept.
- In the interests of an informal resolution being reached it is not expected that the individual who has been complained about would be accompanied or represented at any meetings held under the informal stage

Formal Procedure

7. The formal procedure can be followed if it is not possible or appropriate to resolve issues informally. Formal complaints under this policy should be made in writing to the complainant's line manager, or if they are implicated in the complaint, to a more senior manager within the service area.
8. Managers will give priority to dealing with such complaints although timescales are dependent on the details of each case
9. Managers will give regular updates on progress to all parties concerned.
10. The formal procedure is detailed in the Council's [disciplinary procedure](#) but in summary the main stages to be followed are:

Investigating and establishing the facts:

11. The line manager or another nominated officer will investigate the complaint and collect any evidence which will include interviewing the employee making the allegation and the employee against whom the allegation has been made and any relevant witnesses. The employees have the right to be accompanied by a union representative or work colleague and an HR Officer may support the Manager. Notes need to be made of these interviews.
12. Depending on the seriousness of the allegation a brief period of suspension with pay or temporary redeployment may need to be considered.
13. At the end of the investigation a decision needs to be made on whether there is a case or not to be answered. If the decision is that no further action is required the parties will be duly informed. The employee making the complaint has a right of appeal.

14. If, following the investigation it is concluded that there is a case to answer specific details of any further outcomes in relations to the alleged perpetrator will not be shared with the complainant as this will be a confidential process between management and the individual.

Formal disciplinary hearing

15. If it is decided that there is a disciplinary case to answer then a disciplinary hearing will be organised. This includes:
- formal notification of the hearing date to the employee against whom the allegation has been made.
 - providing the relevant documentation
 - detailing the constitution of the panel members
 - stating who should attend the hearing
 - providing the format of the hearing.

Decision on appropriate action

16. After the case has been heard the panel will make a decision on whether or not disciplinary action or any other action is justified. The employee will be informed in writing of the decision within 2 working days. If this timescale is not possible all parties need to be informed of the expected date of decision.
17. The possible decisions of the panel are that:
- the allegation is not upheld
 - a written warning is issued
 - a final written warning is issued
 - the employee is dismissed.
18. More specific details on these decisions and the appropriate action to take are contained in the [disciplinary procedure](#).

The appeal process

Right of appeal for the employee against whom the allegation has been made:

19. If an employee feels that the disciplinary sanction is wrong or unjust they have the right to appeal against the decision by following the [Appeal Process](#) outlined in the disciplinary procedure. Once the appeal process has been completed there is no further right of internal appeal against the decision of the Appeals Panel.

Right of Appeal for complainant:

20. After the investigatory stage if it has been concluded that there is no case to answer the complainant will be provided with a summary of the reasons for this decision and will have the right to appeal.
21. The appeal will be considered by a senior manager who will be advised by a representative from human resources. The manager should not have had prior involvement with the case and preferably be more senior than the initial investigating officer.
22. Information gathered during the investigation will be reviewed.
23. If it is felt that it is necessary to hear from both parties, the complainant and the investigating officer will be given at least days 5 notice of the meeting. The complainant may be accompanied to this meeting by a work colleague or a trade union representative.
24. Once all the information has been considered one of a range of decisions may be made which are outlined in the [disciplinary procedure](#).
25. There is no further right of internal appeal against the decision of the Appeals Panel

What is my responsibility?

26. To treat colleagues, managers or members of the public to whom you provide a service with dignity and respect by:
 - providing these services in a fair and reasonable way and with consideration and politeness.
 - engaging positively in measures designed to support your performance such as induction, appraisal and professional development.

- participating in procedures where managers are addressing matters of performance, attendance and conduct.
- not aiding or colluding in cases where employees, clients or customers are treated in a manner which contravenes the policy and reporting any such instances.
- ensuring your colleagues are aware if their conduct or behaviour is a cause of concern to themselves or others and providing support to someone who is subject to such conduct or behaviour.

Line manager responsibilities

27. Managers are expected to promote positive working relationships and standards and eradicate inappropriate behaviour or language by:
- setting appropriate workplace standards by treating people with dignity and respect and managing in a professional and caring manner.
 - fostering a work environment which is not threatening or intimidating so that the workplace demonstrates a culture of acceptable behaviour and positive interpersonal relationships.
 - ensuring all employees under their control maintain a high standard of conduct between all colleagues and are advised of what is and is not deemed to be acceptable behaviour at work.
 - using their judgement to identify and correct standards of inappropriate language and behaviour with staff and to remind them of the Council's policy.
 - taking complaints about the contravention of the policy seriously and to take appropriate and prompt action and where possible try to resolve matters informally.
 - investigating complaints about inappropriate behaviour or language and making staff aware that where necessary appropriate action will be taken which could include using the disciplinary procedure.
 - making staff aware of the actions they can take, the support available if they feel victimised and the opportunity to discuss matters with HR and, where agreed, for trained mediators to be used.
 - monitoring sickness absences within their departments to identify if any sick leave is attributable to inappropriate conduct or language.

More Information

28. Support for Staff

- where an employee raises a complaint in good faith or they assist in an investigation the council will not tolerate any action of intimidation, victimisation, retaliation or discrimination against them. This applies whether the complaint is upheld or not and also applies to any witnesses involved.
- if the allegations are sustained in whole or in part any subsequent action will not be detrimental to the person making the complaint or the report unless the investigation or hearing identifies matters which need to be investigated separately. If so the appropriate procedures will be followed.
- malicious complaints will not be tolerated and will be pursued in order to determine whether action could be taken for a disciplinary offence.
- staff may elect to take advice from a Trade union representative. HR Advisors can be consulted for procedural advice.
- confidential counselling can be made available through the Occupational Health Advisors. Individuals are requested to contact the Employee Well-Being Helpline on 01225 713147.
- in appropriate circumstances and with the agreement of both parties a referral to formal mediation can be made in an attempt to establish positive working relationships. The relevant department will pay for such mediation.

Related Policies

You should be aware of the following policies in relation to the Dignity at Work policy and procedure:

- Code of Conduct
- Disciplinary Procedure

Frequently asked questions

- **What action can be taken against managers or staff who fail to comply with the policy**

If possible matters should be resolved informally and mediation is another possibility that needs to be considered. However, if neither of these options are successful or suitable then action may need to be taken under the disciplinary procedure.

- **What action can be taken against contractors who fail to comply with the policy?**

Consideration can be given to terminating the contractual arrangements.

- **What examples of good management can help to support a positive working environment and good working relationships?**

Examples of good management include:

- setting achievable time limits and standards of work.
- positively supporting the performance of individual workers e.g. through induction, professional development, appraisal and one to one supervisions.
- addressing matters of performance, attendance and conduct through the appropriate procedure on the occasions where employees fall short of acceptable standards in a prompt and professional manner
- applying the relevant procedures e.g. absence, capability and disciplinary fairly and consistently.
- firm but fair management is not to be confused with behaviour that contravenes this policy.
- **What is expected from employees in helping to provide a positive working environment and culture?**

Employees are expected to comply with the requirements of the Dignity at Work policy and procedure and to co-operate and support managers in addressing and taking appropriate action to improve areas of concern.

- **What effects can language or behaviour have in undermining dignity and respect?**

The effects of language or behaviour which contravenes this policy can be extremely damaging to the individual and everyone else involved. The subject of such behaviour may suffer from physical or emotional symptoms such as disturbed sleep and loss of confidence. Individuals may be personally affected and their performance may deteriorate which will impact on service delivery. This may also impact upon an individual's self esteem and family relationships.

Equal Opportunities

This policy will be Equality Impact Assessed on 3 August 2010 ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Legislation

The policy is underpinned and supported by a host of employment legislation which includes:

Health and Safety Act 1974
Sex Discrimination Act 1975
Race Relations Act 1976
Disability Discrimination Act 1995
Employment Rights Act 1996
Protection from Harassment Act 1997
Human Rights Act 1998
Employment Relations Act 1999
The Employment Equality (Religion or Belief) regulations 2003
The Employment Equality (Sexual Orientation) Regulations 2003
Employment Act 2002 (Dispute Resolutions) Regulations 2004
The Employment Equality (Age) Regulations 2006
Membership/Activity of Union

From 1/10/2010 the Equalities Act will consolidate much of the current discrimination law into a single act although final clarification on the timetable of certain provisions is still to be confirmed by the coalition government.

This policy has been reviewed by an external legal organisation to ensure compliance with (the above legislation and) our statutory duties.

For further advice

For further information please speak to your manager, corporate director or contact a member of your [human resources advisory team](#).

A toolkit will be added which will include:

Guidelines for managers and investigating officers

Guidelines for staff

Guidelines for staff accused of inappropriate language or behaviour

The mediation scheme

Policy author	HR Policy and Reward Team – MR
Policy last updated	19-07-2010

Wiltshire Council Human Resources

Time to Train Policy

This policy can be made available in other languages and formats such as large print and audio. Please contact the Human Resources Policy and Strategy team for further information.

What is it?

This policy sets out the legal entitlements of employees to request time off for training. It is envisaged that the majority of requests should continue to be made directly to the line manager through supervision, appraisal or informally particularly if the training requested is internal. In these cases there is no need to use this policy.

This policy is available as an additional route for employee requests. Where an employee wishes to exercise this entitlement requests for time off can be made in relation to:

- accredited programmes leading to a qualification, or
- unaccredited training to help develop a specific skill(s)

Training must be relevant to your job, workplace or the Council.

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Who is covered by this policy?

This policy applies to all employees of Wiltshire Council who have:

- at least 26 weeks continuous service with Wiltshire Council on the date the request is made and
- not made a request in the last 12 months.

Please note that where time off is agreed under this policy all typed staff on former district council conditions of service should refer to the relevant Training Policy relating to their conditions of service for information on whether time off and expenses for training will be paid or unpaid.

What is my entitlement?

1. You can make a request for time to train which:
 - you believe would improve your effectiveness in the organisation and improve the performance of the organisation.
 - is delivered in the most appropriate way for you e.g. long distance, workplace or college based etc.
 - can cover more than one piece of training in a single request. There is no limit to the amount of time or amount of study or training that you can submit a request for.
 - does not exceed your entitlement to submit only one request in any 12 month period unless you have requested that a previous request is withdrawn or declared invalid.
2. Employees have a right to request time off for study or training only; it is not a right to have the time off.

Paid time off for training

3. Paid time off for training (based on a standard day of up to 7 hours 24 minutes) will be given, in accordance with the current training and development policy where:
 - The Council requires you to attend training necessary for further professional qualification/development, or
 - Where training is undertaken that is not a requirement of your job but is relevant to your job e.g. NVQ's, updating skills, personal development (e.g. confidence and assertiveness skills, workload planning) etc.
4. If you are a part-time employee you will be paid for your normal working hours on that day. If actual working time plus training time, or training time alone extends beyond your normal working day, the extra hours will be paid at plain time rate. Alternatively time off in lieu may be taken up to a maximum of 7 hours 24 minutes.

5. If you work part of a day before your attendance at college, the hours you can claim for that day including your attendance at college should add up to a maximum of 7 hours 24 minutes in total. Any additional hours beyond the standard working day of 7 hours 24 minutes will not be paid for.

Unpaid time off for training

6. For all other time off to train requests which are agreed in line with this policy, time off will be on an unpaid basis or alternatively you may reach an agreement with your manager to work flexibly to make up the time spent training. This applies to requests for time off to train that are not directly relevant to your job but would improve the performance of the organisation.

Payment of course fees and other expenses

7. If you are selected for an external training course, which leads to a recognised qualification you are also entitled to claim other training expenses including course and examination fees as set out in the [training allowances policy](#).

8. For all other time off to train requests, course fees and travel expenses will be payable where the training meets the conditions above for paid time off.

9. Course fees and other expenses will not be paid for unpaid time off for training.

What is the procedure for making a request?

The process

10. You must apply in writing to your manager using form T2T1 which is provided for this purpose.

11. Your manager may agree your request straight away and if so will confirm this decision in writing within 28 days. However if this is not possible your manager will arrange to meet with you to discuss the request within 28 days of receiving the completed request form. You have the right to be accompanied at this meeting if you wish.

12. At the meeting your manager will discuss your request with you. They may also seek to identify and agree with you:

- alternative ways of meeting your request or different training options if appropriate.
- circumstances under which they might need to withdraw that agreement later.

13. Your manager will notify you of their decision in writing within 14 days of the meeting. If you have made a request for more than one type of training or

study your manager should notify you as to which parts of the request have been accepted or refused. The letter should also confirm any agreements resulting from the meeting.

If your request is refused

14. If your request is refused your manager must set out the grounds for refusal and why they apply in writing.

15. Requests for time to train can only be rejected for one of the following service/business reasons:

- It would not improve the employee's effectiveness in the organisation
- It would not improve the performance of the organisation
- the burden of additional costs
- detrimental effect on customer demand
- Inability to reorganise work among existing staff
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the periods the employee proposes to work
- planned structural changes
- Inability to recruit additional staff

Right of Appeal

16. If your request is refused you have the right to appeal against this decision to your corporate director. If you wish to appeal against the decision you should do so submitting form T2T2 within 14 days of receiving the decision.

17. If your corporate director decides to accept your request they will notify you of their decision and the date the training can start within 14 days of receiving your appeal.

18. If your corporate director does not initially accept the request they must hold an appeal meeting with you within 14 days of receipt of your notice of appeal. You have the right to be accompanied at this meeting if you wish.

19. You will be notified of the outcome of the appeal in writing within 14 days of the date of the appeal meeting. If the request is accepted this will include the details of what has been agreed. If the request is refused you will receive details of the grounds for refusal and why they apply.

Right to be accompanied at meetings

20. You are entitled to be accompanied at meetings under this procedure including any appeal meeting. You may be accompanied by a trade union representative or Wiltshire Council employee if you wish. The companion has

the right to address the meeting and confer with you at the meeting but not to answer questions on your behalf.

21. If your companion is unavailable at the proposed time for the meeting than the meeting must be postponed to a time proposed by you provided that this is convenient to your manager and within 7 days, beginning with the day after the day initially proposed by the manager.

22. The meeting will count as working time and the employee and their companion have the right to be paid while attending the meeting.

Invalid requests

23. If your manager considers that your request is invalid because it does not include all of the necessary information they will notify you of this within 28 days explaining the reasons why they consider it invalid. You will have the opportunity to revise and resubmit the request. This will be treated as a new request.

Withdrawing a request

24. You can withdraw your application for time to train before you are notified of a decision by your manager using form T2T3 – Time to train notice of withdrawal.

25. All requests to withdraw should be followed up in writing by the manager. If you withdraw a request it will still count as a request for the purposes of this policy and you will not be able to apply again within 12 months of this request unless you have asked for a request to be ignored if you are submitting a further request on the basis of:

- you have mistakenly submitted an earlier request before 12 months elapsed and you notify your manager that you wish to withdraw the earlier application
- you did not undertake the training that was agreed following a request because the training was cancelled (for reasons other than your own conduct in relation to the training)
- you failed to start the training that was agreed following a request due to some unforeseen circumstances beyond your control.

General Points

26. Meetings should be arranged at a time and place convenient to both parties.

27. If you fail to attend the initial meeting to discuss your request or the appeal meeting more than once without reasonable cause your manager is

able to treat the request as withdrawn and will notify you of this decision in writing.

28. All time limits can be extended where both parties agree, for instance to explore alternative methods of training. Any extension must be recorded in writing by the manager and copied to the employee and should confirm how long the extension is for and when it will end.

29. If the manager is on holiday or off sick when the application is received time limits will apply from the date of return.

What are my responsibilities as line manager?

30. If an employee submits a request for time to train you should:

- ensure that you follow this policy
- give consideration to requests in a fair and consistent way in line with the business needs of the service and the organisation and in line with equal opportunities.

Are there any exemptions to this policy?

The right to request time to train **does not** legally apply to:

- agency workers
- young people of compulsory school age
- young people who already have a statutory right to paid time off to undertake study or training
- 16 or 17 year olds who are already under a duty to participate in education or training
- 18 year olds who are treated as if Part1 of the Education and Skills Act 2008 applies to them

Relevant Policies and Legislation

This policy arises from the Apprenticeships, Skills, Children and Learning Act 2009 which inserts a new provision into the Employment Rights Act 1996 for time off to study and train.

Further advice

Related policies and documents:

[Wiltshire Council - Training and Development](#)

North Wilts – Summary of key terms and conditions

[North Wilts – Summary of key terms and conditions](#)

[Salisbury District - Training and Development](#)

[Salisbury District – Summary of key terms and conditions](#)

[West Wilts – Training and Development](#)

[West Wilts - Summary of key terms and conditions](#)

[Kennet District Council - Training and Development](#)

[Kennet District Council - Summary of key terms and conditions](#)

For further information please speak to your supervisor, manager, service director or contact a member of your [human resources advisory team](#).

FAQs...

Does my manager have to allow me time off for any training under this policy?

No, this policy gives you the right to request time off for training but not for time off to be automatically given or taken. You will also need to identify how the training or skills would improve your performance in your role or the performance of the organisation.

My manager and I have identified that I need to attend a manual handling skill course do I need to make a request under this policy?

No, if you and your manager have identified a training need and you have been requested to attend the training as part of your job you do not need use this policy. Your manager will make arrangements for you to attend the manual handling skills course in the usual way.

I would like to attend a course to improve my English skills as this is not my first language and I feel it will help me in my job. I have seen a course at my local college which is on a day when I normally work, do I need to make a request under this policy?

If you have identified a training need and a course independently from your manager which you feel would help you in your job or improve the performance of the organisation, you should approach your manager about this in the first instance. This would be either through supervision, appraisal or informally in the usual way, without the need to make a request under this policy. However, if this is not possible or unsuccessful and you meet the qualifying conditions for the policy you can make your request using this policy.

Does this policy apply to me as I am on a former West Wiltshire District Council contract?

Yes, this policy does apply to you as you are now a Wiltshire Council employee and this is a new policy. However, if you are still on the terms and conditions relating to your former employment with West Wiltshire District

Council you will need to refer to the West Wiltshire District Council Training Policy documents for further information on training allowances if your request is approved. Training allowances are due to be considered as part of harmonisation.

How will my manager decide whether my time off to train will be on a paid or unpaid basis or whether I will have my course fees paid and travel expenses in respect of the training I have requested?

If your manager has agreed your request they will need to refer to the training policy relevant to your conditions of service which will set out the conditions relating to whether your time off to train will be paid or unpaid and whether course fees and other expenses are also covered. If you are on Wiltshire conditions of service time off, course fees and travelling will be paid as long as the training is relevant to your job. All other requests for time off which are approved but do not meet the criteria for paid time off for training will be on an unpaid basis.

I would like to undertake some training which is not relevant to my current job but which I feel would help me to change direction in my career. Is it possible to request time off in these circumstances?

It is possible to make a request for training that is not necessarily relevant to your current job, but to be considered under this policy you would need to set out in your application how you think the proposed training would improve your effectiveness in working for Wiltshire Council and how it would improve the performance of the organisation. It would be for your manager to decide whether they could support the training in these circumstances taking in to account issues such as the relevance of the skills you seek to acquire to the organisation, the potential to improve the organisations performance, whether the skills are shortage skills etc plus issues relating to impact on workloads, team and the service.

I have seen some training which I would like to undertake but I have already made a request for training under the time to train policy in the last 12 months. Am I able to make a further request?

You are only entitled to make one request for time to train in a 12 month period under the legal right to request training set out in the time to train policy. However you are able to request additional training outside of this policy in the usual way through your line manager.

As a manager I have a member of staff who would like to undertake some training which they feel would support them at work with their disability. Is there any further guidance relating to this?

Yes, information is available in manager's toolkit and guide to disability in relation to reasonable adjustments and you may also wish to discuss this further with your HR Advisor or the HR Equality and Diversity Partner.

Manager's Toolkit

Contains further advice for managers and template letters

Policy author	HR Policy and Reward Team – (CC)
Policy last updated	1 July 2010

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By virtue of paragraph(s) 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

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