

JOINT CONSULTATIVE COMMITTEE FOR COUNTY COUNCIL
EMPLOYEES

Minutes of the meeting held on 5th February 2002, at 9.30am, in County Hall, Trowbridge.

Present

Janet Dapson	UNISON
Helen Cade	UNISON
Yolande Suter	UNISON
Mike Short	ATL
Sue Wilkin	UNISON

Peter Smith	Director of Corporate Services
Richard Woodroffe	Chief Personnel Officer
Roger McCartney	Principal Personnel Officer
Joanne Pitt	Senior Personnel Officer

1. Appointment of Chairperson for the Meeting

1.1. It was agreed that Peter Smith would chair the meeting.

2. Apologies

John Marshall	UNISON
Richard Violet	UNISON

3. Minutes of Previous Meeting

3.1. Peter Smith went through the action points from minutes of the last meeting.

4.4.Consultation on Working Time Regulations.

This item is on the agenda.

4.5.Guidance on Data Protection.

The policy is still with the legal section. Peter Smith agreed to chase the approval of this document, and circulate it if agreed before the next JCC.

Reconstitute Business Travel Group

Peter Smith advised that he is not currently in a position to reconstitute the group. Work on green issues was carried out before Christmas, and this

included a survey of Trowbridge based staff. The outcome of the survey will be known in a few weeks, but one outcome will be the implementation of car sharing software and also the updating of existing cycling and shower facilities. Peter Smith added that further reports are going to CMT about how best to take the business travel issue forward. Once this is agreed the group will be reconstituted.

5.4. Arrangements for Cabinet/Trade Unions.

Peter Smith advised that the Cabinet had met three times so far, and these meetings have concentrated on the budget. Peter Smith added that he would put this as an item for their agenda in late February, early March. Peter Smith stated that the Cabinet met with the JTULC in January to look at the budget, which will be finalised on 12 February. It is likely that there will be a 9.9% increase in Council Tax. Peter Smith went in to details of how the budget will be allocated, by department.

9.4. Phased Return to Work Following Long Term Absence.

Joanne Pitt advised that a note would be going the departmental Personnel Officers outlining the concerns raised by the Trade Unions, and outlining the facility for staff to have full pay considered in exceptional circumstances. Joanne Pitt added that a paragraph would be added to the policy in the Employee Handbook, which is now available for staff on WIZARD.

10.2. Review of Policies & Procedures

Richard Woodroffe advised that at the last JCC it had been left for Janet Dapson to identify which policies and procedures they would like reviewed. Once this information is known consideration will be given to including the requirements in the Personnel workload.

4. Working Time Regulations

4.1. Richard Woodroffe asked that the Trade Unions specify their concerns. Janet Dapson stated that their concerns related to compensatory rest in respect of staff spending 24 hours at their work premises. Janet Dapson added that there should be a break of 11 hours between shifts, and if this is not possible the time off should be taken at a later date.

4.2. Richard Woodroffe stated that there appears to be two separate issues. The first issue is whether the arrangements are in breach of the Working Time Regulations. The answer is no, as residential establishments are currently excluded from the Regulations. The second issue is whether the arrangements are the most appropriate from an operational point of view, and also from a Health & Safety point of view. Richard Woodroffe added that the current arrangement is for staff to work a shift, then sleep-in, then work another shift. Richard Woodroffe acknowledged that where staff are disturbed during a

sleep-in there might be issues, and that he would arrange to discuss the situation with the Director of Social Services. Richard Woodrooffe added that he would ask whether the existing arrangements promote operational activity and do they meet our Health & Safety requirements.

- 4.3. Janet Dapson stated that Yo Suter had done a risk assessment on 24-hour working and this has been passed to Paul Collyer, who is discussing it with Sarah Bentley (Personnel Officer, Social Services).
- 4.4. Richard Woodrooffe stated that he understood that staff preferred the current arrangements, as they are able to complete a large proportion of their weekly hours within 24 hours. Yo Suter responded that some staff do like the current arrangements, but a majority are now saying that because their sleep is disturbed they are not able to function properly when the next shift starts. In some cases staff are driving clients, administering drugs and are then having to drive home. Yo Suter added that there is also an issue with back to back shifts, where staff are unable to catch up on sleep between shifts as they are so close together. Yo Suter also added that the situation is causing health problems for staff. Janet Dapson stated that the issue is that staff are not getting enough sleep.
- 4.5. Peter Smith acknowledged that the issues raised represent a potential Health & Safety risk, and that as soon as Paul Collyer completes his report any issues identified should be raised with the Director of Social Services. Peter Smith also acknowledged that this was an issue that needed to be raised immediately, so that a report can be given at the next JCC. Richard Woodrooffe agreed to raise the matter with the Director of Social Services

5. Disciplinary Procedure for Senior Officers

- 5.1. Richard Woodrooffe outlined the background to the new procedure, which has come as a result of a statutory instrument. Details of the legislation arrived at the end of October. There was no consultation and the legislation had to be included in the new constitution. Essentially the new statutory regulation apply to Chief and second tier officers subject to the JNC for Chief Officers who have had their own disciplinary procedure within their conditions of service as well as some other senior staff previously subject to the County Council disciplinary procedures. These procedures have been in existence for about 10 years. The new regulations require that the discipline, including dismissal, of such senior staff become the sole responsibility of elected members.
- 5.2. Richard Woodrooffe stated that the new procedure had been circulated with the agenda. Richard Woodrooffe outlined some of the key elements of the procedure including the establishment of a Discipline and Dismissal Sub-Committee who will hear all matters relating to relevant officers. In addition an Appeals Panel has also been established to deal with appeals within the procedure. Richard Woodrooffe also outlined that the procedure meets new statutory requirements and also takes into account the terms and conditions of JNC Officers. Aside from this the new procedure follows the principles of the

existing County Council disciplinary procedure. Richard Woodroofe added that as a consequence of the new regulations the existing County Council disciplinary procedure has had to be cosmetically changed. Richard Woodroofe also added that the changes made do not affect the substance of the procedure.

- 5.3. Richard Woodroofe agreed to circulate the revised procedure to Janet Dapson, and highlight the changes made once some of the wording has been checked.
- 5.4. Janet Dapson asked whether it would be possible to identify who is subject to the new procedure. Peter Smith responded that this would be very difficult, but it may be possible to provide a list of posts that are now subject to the new procedure. Richard Woodroofe added that it might be easier to flag up which procedure applies as and when cases come up. Richard Woodroofe also added that the new procedure applies to all Chief Officers, all 2nd Tier Officers and heads of function and possibly other staff in politically restricted posts.

6. Any Other Business

- 6.1. Janet Dapson stated that she has not received a copy of the final draft of the Employee Well-Being Policy. Joanne Pitt agreed to forward a set of the documents.
- 6.2. Janet Dapson stated that UNISON are still unable to access the Intranet, and are aware that there is now information on the Intranet about County Council's policies and procedures. Janet Dapson added that she had met with Chris Tinsley from Corporate IT some time ago, but as yet nothing had happened. Joanne Pitt agreed to chase this up with Corporate IT, and let Janet Dapson know the position.
- 6.3. Janet Dapson stated that there is a problem with Social Services and the payment of bank holiday premium payments. Janet Dapson added that she has had several discussions with staff in residential establishments about bank holiday pay, and it has become apparent that their understanding of premium payments is different to how the payments are applied. Janet Dapson also added that the County Council describes the payments as premium payments, but they aren't. This view is based on the fact that all staff get paid for bank holidays whether they work or not, and when staff do work they just get paid the same again, therefore it is not a premium payment. Staff had made the assumption that they would get the same as everyone else plus either double time or flat pay and time off in lieu.
- 6.4. Richard Woodroofe went over the arrangements prior to Single Status, which were in effect triple time. However, the Single Status agreement changed this to double time. Richard Woodroofe asked the Trade Unions to specify what is now wrong.
- 6.5. Janet Dapson responded that the problem relates to residential homes, and in particular Sonas House. It has been raised because after Single Status the staff at Sonas House continued to be paid at the old rate for bank holidays, this has

now been picked up and the correct rates applied but the staff are adamant that premium payments mean triple time.

- 6.6. Peter Smith responded that the reference to premium payments comes from the National Joint Council, and it was decided to retain this as a term to describe payments for bank holidays to avoid any confusion. Peter Smith added that the payments for bank holidays were changed under Single Status from triple time to double time. Janet Dapson stated that there is no premium in the payment, and that staff are only getting one days pay on top of what everyone else gets. Richard Woodroffe responded that the payment is a premium payment as staff are receiving double time.
- 6.7. Peter Smith stated that the issue is the overpayment to staff at Sonas House and possibly elsewhere. This needs to be investigated. The County Council had a local condition relating to the recovery of overpayments to staff, and this need to be followed. Peter Smith added that whilst some staff may have misunderstood the agreement in respect of bank holiday pay the County Council will not go back on an agreement made at Single Status. Peter Smith also added that the basis of the payments are clear, whether described as premium payments or not, and that staff would be more concerned with the numbers rather than how the payment is called.
- 6.8. Yo Suter asked for clarification of what payments are made for bank holidays. Roger McCartney read out arrangements in the local condition. Roger McCartney stated that if UNISON would like to suggest some alternative wording then the local condition can be amended. Janet Dapson asked whether members could re-vote on bank holiday payments. Peter Smith responded that this would not be possible particularly as the single status agreement was consulted upon and negotiated as a cost neutral package, and as such hung together as a package. Bits could not be renegotiated in isolation, and he saw no good cause to reopen discussion.
- 6.9. Peter Smith stated that the issue seemed to relate to one establishment. Janet Dapson responded that this was the case but having rang round other members there are other related issues. Peter Smith went over the arrangements agreed as part of Single Status, and that at the time there was lengthy debate over the subject of premium payments. However, an agreement was reached, and it is that agreement that has to be followed regardless of any misunderstanding by staff. The agreement was the culmination of extensive consultation which, when the final offer was put to staff, even counted TU votes and service groups separately to ensure there was a majority in favour.
- 6.10. Janet Dapson stated that people who work bank holidays expect to receive a premium on top of their normal pay, and the lack of a premium is a problem for certain workers. Peter Smith responded that there is no way that the County Council would re-negotiate this issue and added that the concern is that people have been overpaid and whether this should be recovered. Janet Dapson stated that this would cause a problem. Peter Smith responded that it would need to be investigated to find out how the overpayments happened,

who authorised the payments and whether it was reasonable for staff to challenge the payments. Richard Woodroffe added that the overpayments need to be highlighted to the Director of Social Services, as the payments have to be corrected.

6.11. Janet Dapson stated that she had agreed to raise the issue, but agreed that she could see the argument from both sides. Sue Wilkin added that there was no misunderstanding in Environmental Services, and that whilst staff didn't like the arrangement they understood it.

6.12. Janet Dapson asked how the Mediation Policy was progressing. Richard Woodroffe went over the background, which relates to the Bullying Policy, and the need for mediation to resolve issues as an alternative to a formal investigation. Richard Woodroffe added that Jane Nesbitt, Personnel Officer, has been in touch with an external mediator who has agreed to assist in cases where both parties are agreeable. The Chief Officers wanted a trial period but rather than being time limited the trial would be based on two or three cases. After this a longer term approach can be agreed and this may include training people internally to become mediators. Janet Dapson stated that the union is fully supportive of the proposals.

7. Date of Next Meeting

7.1. Dates for the next two JCC's were agreed.

30th May 2002, 9.30am, County Hall

26th September 2002, 9.30am, County Hall