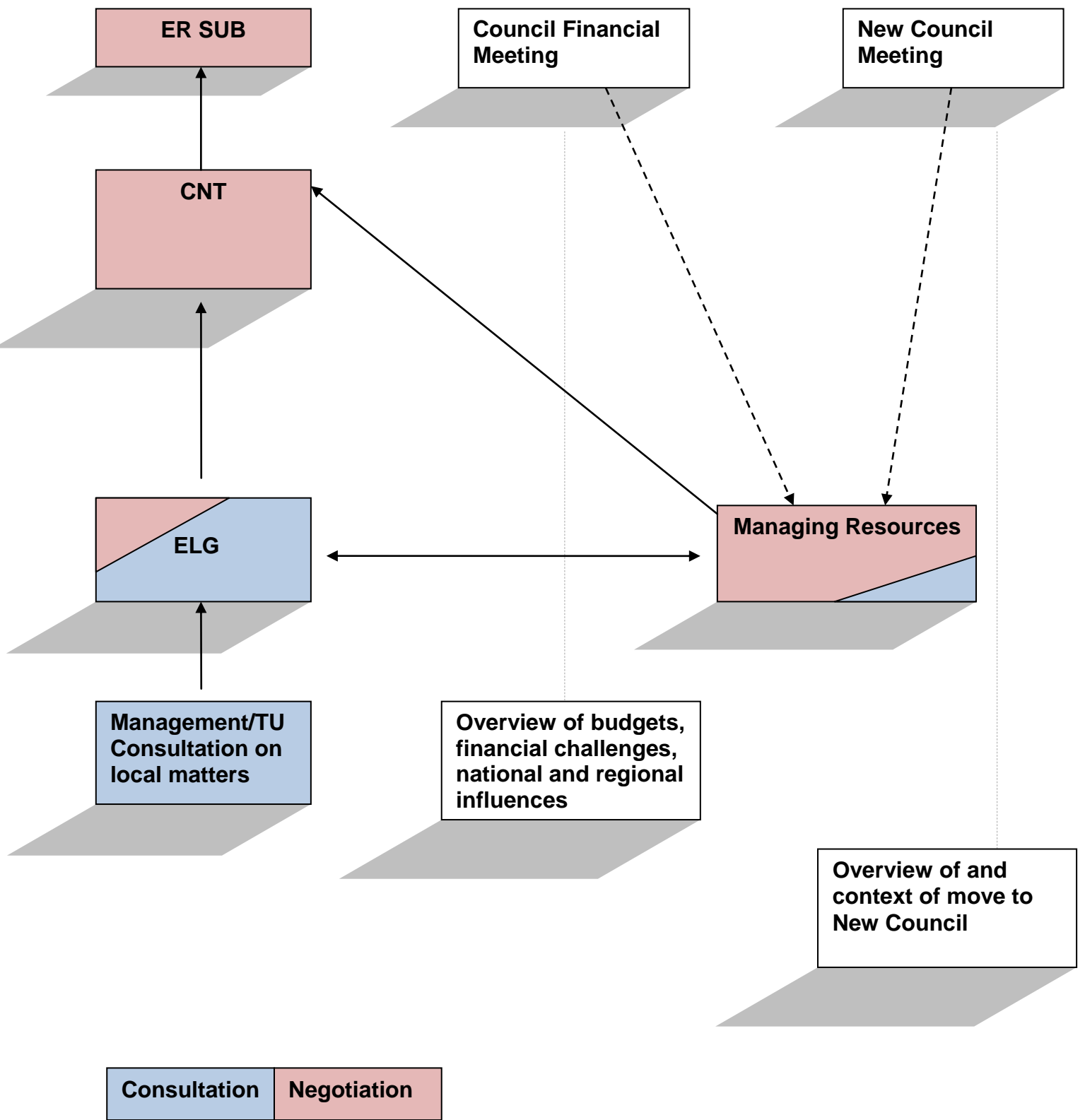


IR STRATEGY FRAMEWORK (2017)

Consultation/Negotiation

Cultural Change



ELG **Employee Liaison Group (ELG)** is a consultation forum based at service level i.e. the area of responsibility of one Service Director, recognising there are some exceptions where alternate arrangements make sense (e.g., Soulbury ELG, Teachers/Support Staff ELG).

Below this level, ongoing management/TU engagement should take place as fits the needs of that particular area, so not necessarily formalised and scheduled but could be.

CNT **Central Negotiating Team (CNT)** will have two distinct functions; one as the “Appeal” mechanism where there is disagreement over decisions taken in earlier stages of the IR process: one as a last negotiating body to reflect the new context of IR. As we move into New Council the balance should shift increasingly towards the second remit.

Managing Resources Maintains oversight and control of Policy and T&Cs. Changes to these need the approval of Managing Resources to ensure consistency, fairness and management of risk. Learning and good practice are also shared.

The Council Financial Meeting will continue to provide the overarching financial context together with national and regional influences. In addition, the **New Council Meeting** will set out the high level context, direction of travel and overarching conceptual principles as we move to ‘New Council’.

“Reviews” will be formally triggered in writing to all TU’s. The overview of consistency, pace and impact will be via **Redesign Board**, whilst lessons learnt, good practice, impact on current policy will be dealt with at Managing Resources.

Definitions

Consultation

We consult on a range of issues including for example – changes in working practices, new job profiles, organisational change, and office opening times. We must, by law, consult on redundancies and ways to mitigate against these.

Consultation is about asking for views and ideas, listening to the suggestions put forward and giving them consideration. Often proposals change in response to consultation but not always and consultation doesn’t mean agreeing.

Negotiation

We negotiate on a range of issues such as changes to T&C’s, pay, time off for Trade Union activity and this is with a view to reaching agreement.

Terms of Reference

Kirklees Joint Secretaries - the joint secretaries' roles are an important part of the effective use of the IR Framework and at key points their input is pivotal. Therefore, requests for a CNT, from either TU or management will be discussed and the outcome agreed between the two.

The minutes of CNT will be jointly agreed between the two.

The joint secretaries will agree which of the two remits of CNT is appropriate to the issue at hand.

Where referral to an elected member appeal is requested the joint secretaries will discuss the merits of the case, prior to a formal decision being made in consultation with the Resources portfolio holder.

Where agreement cannot be reached between the two Joint Secretaries the matter will be escalated directly to Jacqui Gedman to arbitrate.

Managing Resources – holds the overview and control of employee related policy and T&Cs. Changes to these may only be approved by Managing Resources. Sub groups may be used to work through details which must be ratified at the full meeting. Heads of Service from across the Council attend to ensure collective understanding and ownership. Matters for negotiation, where agreement cannot be agreed, will be referred via joint secretaries to **CNT**

Appropriate issues may be referred to ELG and vice versa for consideration

Management/TU Consultation – takes place within service departments on issues specific to that area. These should be part of an ongoing meaningful dialogue and the format will depend on what works best in that area. It may be a formalised regular meeting or ad hoc – or a combination of the two.

Employee Liaison Groups (ELG) – are part of the formal IR arrangements. The focus is predominantly around consultation on issues relevant to that Service/s* but could include negotiation where the issues involve changing how the T&CS apply. It should be noted that changes to the provision of T&C's in the Employee Handbook can only be agreed at Managing Resources and Local Agreements cannot be entered into between service managers and Union stewards. Where an issue relating to T&Cs/policy has a wider relevance than that one service* referral is made to Managing Resources and where agreement cannot be reached on other matters for negotiation, referral is made to the Central Negotiating Team

Membership will include relevant managers, e.g. Heads of specific functions/areas and relevant service TU stewards. However, if meaningful dialogue is to take place then numbers should be limited to those who can actively participate.

Good practice would indicate that meetings should be scheduled in at regular intervals to facilitate all parties having a service wide overview of current and forthcoming pressures and priorities.

Issues relating to changes to and/or interpretation of T&Cs and policy should be referred to **Managing Resources**

*Service equates to an area/s under the management of a Service Director

Council Financial Meeting – provides an overview of budgets, financial challenges, national and regional influences. Meetings are at key intervals aligned to budget process.

New Council Meeting - this meeting will mirror the Council Financial Meeting excepting that it will meet more frequently to:-

provide a high level overview of future changes as the organisation moves to New Council.

provide local, regional and national context, including political considerations

develop conceptual frameworks and principles to guide the organisation

Understand and influence the IR landscape

The meeting is to be chaired by the Deputy Chief Executive in the medium term

Central Negotiating Team (CNT)

This is the body to which :-

a “failure to agree” arising from Employee Liaison Groups or Managing Resources will be referred

CNT will provide an “appeal” mechanism

and/or

CNT will provide the facility of a final negotiating forum.

The role of Chair will be held by a Strategic or Service Director, noting that the role is to represent the interests of the Council overall.

Referral to CNT is made only via (and with the agreement of both) the Kirklees joint secretaries.

Protocols for conduct of CNT

In both cases, to enable the focus to be on negotiation and resolution the following will take place:-

- The documents to be used by both parties (the “bundle”) will be prepared and agreed in advance.
- Specialist advisors will be discussed and agreed in advance
- The negotiations are confidential to those in the room
- At the end of the meeting there will be an agreement about the timing, method and key messages for communications

Joint secretaries approve the minutes after the meeting

It is particularly important where the CNT is dealing with a “failure to agree”, that both sides only enter and leave the hearing together to ensure fairness and transparency. It is recognised that the formalities associated with a failure to agree may be relaxed in a negotiating forum.

To enable meaningful dialogue and negotiations to take place in either scenario then numbers should be limited to those who can actively participate.

Where CNT is hearing a failure to agree the numbers will be: - Unison (7max*) GMB (3 max*) Unite (2 Max*). The relevant Service Director/Head of Service will attend and be responsible for explaining management’s position and will participate in the ensuing negotiations.

To facilitate meaningful negotiations, the numbers attending CNT as the final negotiating forum should reflect the ability to actively participate in the issue. No more than 5 maximum* from either management or the collective TU’s will attend without the express permission of the Chair.

**These numbers allow for and are inclusive of the attendance of respective regional officer/s*

Employee Relations Sub Committee

Membership

8 members of the Council on a ratio of 4:3:1

Quorum

3 members (providing that these are not all from the same political group)

Terms of Reference

The Head of Human Resources in consultation with the Resources Portfolio Holder is the "gate keeper" in respect of referrals from the Officer Appeals Panel.

The ER Sub Committee will have delegated responsibility for:

1. Reviewing decisions of an Officer Appeal Panel relating to employment matters in situations where it is alleged that:
 - a. The findings of an Officer Appeal Panel are based on a judgement that is considered perverse i.e. the rationale for the decision of the Panel is not supported by the evidence submitted and there is evidence that is contrary to the findings; or
 - b. Due process has not been followed
2. Following the review, to make one of the following recommendations:
 - a. To confirm that the process followed by the Panel and/or the judgement reached by the Panel was appropriate and reasonable and that the final decision should stand;
 - b. To determine that the process followed by the Panel and/or judgement reached by the Panel was not appropriate and that either:
 - i. The Panel should reconsider it's findings in the light of the comments of the Sub Committee; or
 - ii. A new Officer Appeal Panel should be convened to re-hear the appeal.
 - c. To determine whether the process followed and/or judgement of the original service hearing was inappropriate and/or unreasonable and whether this had been taken into consideration by the Officer Appeal Panel and, if so:
 - i. To ask the Panel to reconsider the case taking these views into account; or
 - ii. If feasible, ask for the case to be re-investigated/re-heard with a new commissioning manager etc.
3. To hear disputes that have previously been presented to Central Negotiating Team and which resulted in either or both parties disagreeing with the outcome, so as to determine whether to support the management case or the Trade Union case or alternative clear direction as to the areas where they believe further negotiation is required.