

**Report for:** Staffing and Remuneration Committee

**Item number:** 10

**Title:** Status of Council and Employee Joint Consultative Committee

**Report**

**authorised by :** Richard Grice, Assistant Director, Transformation and Change

**Lead Officer:** Julie Amory, HR Policy Development Manager

**Ward(s) affected:** N/A

**Report for Key/**

**Non Key Decision:** N/A

**1. Describe the issue under consideration**

1.1 This report seeks to amend the constitution of the Council and Employee Joint Consultative Committee (CEJCC), to dissolve it as a sub-committee of the Staffing and Remuneration Committee and reconstitute it as an informal body.

**2. Cabinet Member Introduction**

Not applicable

**3. Recommendations**

3.1 That the Staffing and Remuneration Committee approves the:

- a) proposal to dissolve CEJCC as a sub-committee with immediate effect ; and
- b) establishment of CEJCC as an informal body with immediate effect as set out at in the draft constitution at Appendix A.

**4. Reasons for decision**

4.1 It is not possible for CEJCC to continue as a formal sub-committee of the Staffing and Remuneration Committee as in its current format CEJCC does not fully comply with the legislative requirements relating to Council sub-committees. Abolition of the sub-committee and the establishment of an informal body will correct this position.

**5. Alternative options considered**

5.1 The alternative would be to retain the sub-committee and remove all non-elected members (i.e. union representatives) from it. However this would not offer the unions a mechanism for engagement and this proposal is not therefore recommended.

**6. Background information**

6.1 CEJCC's original constitution was adopted and ratified by the General Purposes Committee in September 2006.

6.2 Under the current set up of CEJCC Trade Unions have voting rights. It is not permissible for non-elected members on committees (other than where the law

allows/require it), to have voting rights therefore it is proposed that CEJCC is abolished as a sub-committee of S&R and is reconstituted as an informal joint body.

6.3 At the HR/IR meeting convened on 15<sup>th</sup> March 2017, Trade Unions and HR considered the proposed new constitution of CEJCC. The agreed constitution is at Appendix A.

6.4 In adopting this proposal, it is necessary to remove the CEJCC from the Council's Constitution at Part 3, Section B 'Responsibility for functions: Full Council and Non-Executive Bodies' Section 3 paragraph 1.1 and at Part 4, Section B 'Committee Procedure Rules' rule 58. These changes to the Constitution are shown in Appendix B

## **7. Contribution to strategic outcomes**

N/A

## **8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **8.1 Chief Finance Officer comments**

8.1.1 The Chief Finance Officer has been consulted on this report and there are no financial implication arising from the report.

### **8.2 Assistant Director of Corporate Governance**

8.2.1 In accordance with s 102 (1) (c) Local Government Act 1972, and Part 2 Article 8.05 of the Constitution, the Staffing and Remuneration Committee determines its own sub-committees. There are no legal implications arising from the report. These changes will not impinge on the CEJCC's contribution to the delivery of the equality agenda.

## **9. Use of Appendices**

- a) Appendix A – CEJCC's proposed constitution with agreed minor amendments
- b) Appendix B- changes to the Council's Constitution resulting from the dissolution of CEJCC

## **10. Local Government (Access to Information) Act 1985**

Not applicable.

## **Appendix A: Council and Employee Joint Consultative Committee Constitution**

### **1. Scope**

- 1.1 Subject, where appropriate, to the powers of school governing bodies, operating under the Local Management of Schools provisions, the Joint Committee shall deal with matters affecting all employees whose employment is subject to the terms and conditions determined by: the National Joint Council for Local Government Services, NEOST (National Employers' Organisation for School Teachers), the School Teachers' Pay and Conditions Documents and the Soulbury Officers' Committee. (See section in relation to Soulbury Officers).
- 1.2 No matter, including health and safety at work, shall be discussed by the Joint Committee unless such matters have been fully discussed at the Directorate Consultative Committee, the Schools Employee Consultative Group or at a meeting of the Soulbury Employees' Side with the Director of Children's Services and no agreement reached.

### **2. Terms of reference**

- 2.1 To be a forum for effective communication and consultation between the Council and its employees, on corporate issues, in relation to Conditions of Service. The final decision on conditions of service lies with the Staffing and Remuneration Committee.
- 2.2 Issues may be referred to the Joint Committee directly, by Management, or, by the relevant employee side secretary, in consultation with the Employer's Side Secretary.
- 2.3 The Joint Committee will provide a forum whereby Council Members can consult Union representatives on Council policies and strategies relating to issues concerning the Council's staffing and, if necessary and appropriate, make recommendations to the relevant Council Committee. The Joint Committee will also provide a forum for discussion on matters of mutual interest relating to staffing issues concerning the Council.
- 2.4 The Joint Committee is intended as a means of effective communication, in order to prevent, or eliminate friction and misunderstanding.
- 2.5 The Joint Committee will not consider any matter concerning an individual employee, or worker or, any issues, which fall under the scope of existing procedures, e.g. dismissal appeals, individual grievances, and individual grading appeals. Such matters may only be raised as a matter of principle.

### **3. Membership**

- 3.1 The Haringey Council and Employee Joint Consultative Committee will comprise of:
  - a) representatives of the Employer's Side
  - b) representatives of the relevant Employees Side or Sides

- 3.2 The Employer's Side of the Joint Committee shall be appointed annually by the Council and shall be comprised of elected Members of the Council in proportion with the political representation on the Council. They shall include the following individual members:
- a) The Chair of the Staffing and Remuneration Committee, or whichever non-executive committee has responsibility for staffing matters;
  - b) The relevant members of the Cabinet with responsibility for adult social care and for children's services.
- 3.3 When the Joint Committee meets to deal with matters affecting employees who are within the purview of the National Joint Council for Local Government Services ("NJC"), their Employees' Side shall be determined in accordance with paragraphs 4.4, 4.5 and 4.6 of this constitution.
- 3.4 When the Joint Committee meets to deal with matters affecting officers of the Education Service, who are employed under the purview of the Soulbury Committee, the membership of the Employees' Side shall be determined in accordance with paragraphs 4.7 to 4.9 of this constitution.
- 3.5 The Joint Committee will consider matters concerning Soulbury Officers' Conditions of Service with a view to regular consultation concerning such Conditions of Service. The Employer's Side will discuss and consult with Soulbury representatives on matters affecting employees on matters within the scope of the Joint Committee.
- 3.6 When the Joint Committee meets to deal with matters affecting teachers, the membership of the Employees Side shall be determined in accordance with paragraph 4.10 of this constitution.
- 3.7 The Council and the constituent trade unions shall both appoint substitute members of the Joint Committee, any of whom may act as a substitute for a full member of the appropriate side in the event of the latter being unable to attend a meeting. A substitute, attending a meeting in place of a member, shall have the same powers as the member.
- 3.8 If a member of the Joint Committee ceases to be a Member, or, employee of the Council, she/he will cease to be a member of the Joint Committee. Any vacancy shall be filled either by a Councillor, for the Employer's Side, or, by a member of one of the constituent trade unions, for the Employees' Sides.
4. **Composition of Employees Sides**
- 4.1 Only those constituent trade unions that are recognised at a national level, for negotiations, will be allowed to represent their members at the Joint Committee
- 4.2 There will be a secretary for each of the three employees' sides.
- 4.3 Where the employers' side secretary and each of the relevant employees' side secretaries agree meetings of the joint committee may be convened with more than one of the employees' sides present.

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Employees Side (NJC)

- 4.4 The Employees Side (NJC) will be made up of members of UNISON, UNITE and GMB. Each of these trade unions will be allocated one seat for every 600 members who are employees of the Council and who are within the purview of the NJC. Any of these trade unions with less than 600 members who are employees of the Council and who are within the purview of the NJC will be allocated one seat. The Employees Side (NJC) Secretary will be allocated one additional seat, to be determined, in addition to the above allocation.
- 4.5 Representatives of the Employees Side (NJC), of the Joint Committee must include the Branch Secretaries (or the equivalent position) of UNISON, UNITE and GMB.
- 4.6 The representatives of the Employees Side (NJC), including nominated deputies, will be elected by, and from, the duly accredited shop stewards, employed by the Council, whose rates of pay and conditions of service are covered by the Joint Committee

#### Soulbury Employees' Side

- 4.7 The Soulbury Employees' Side shall comprise of no more than 8 representatives in total from:
- a) National Union of Teachers
  - b) National Association of Inspectors, Educational Advisers and Consultants
  - c) Association of Educational Psychologists
  - d) National Association of Youth and Community Education Officers
- 4.8 The number of representatives for each organisation is proportionate to the number of Council employees who are their members and who are employed under the purview of the Soulbury Committee. The Secretary of the Haringey Teachers Panel shall also be co-opted to the Employees' Side.
- 4.9 The Secretary of the Haringey Teachers Panel shall also be co-opted to the Employees' Side.

#### Employees Side (Teachers)

- 4.10 The Employees Side (Teachers) shall be the Haringey Teachers' Panel representing the Haringey Associations of the recognised teacher organisations.

### **5. Frequency of meetings**

- 5.1 The Joint Committee will meet with the Employees Side (NJC), at least once in each committee cycle of the municipal year.
- 5.2 The Joint Committee will meet with the Employees' Side (Teachers) within 15 working days of a request from the relevant Employers' Side or Employees' Side secretary where a meeting of the Schools Employee Consultative Group has failed to reach agreement on an issue.
- 5.3 The Joint Committee will meet with the Employees' Side (Soulbury) within 15 working days of a request from the Employers' Side Secretary or relevant Employees' Side secretary where a meeting of the Employees' Side (Soulbury) with the Director of Children's Services has failed to reach agreement on an issue

5.4 Special meetings of the Joint Committee, to discuss urgent matters, may be called at 3 working days notice, on a request, to their opposite number, by either the Employer's Side secretary, or the relevant Employee's Side secretary.

**6. Employer's side secretary**

6.1 The Secretary for the Employers' Side, shall be the Head of Democratic Services (or equivalent postholder from HR), or their representative, and shall call and minute the meetings, and act in an advisory capacity.

**7. Appointment of Chair and Vice Chair**

7.1 A Chair and Vice Chair shall be appointed by the Joint Committee at the first meeting with each Employees' Side in each municipal year. The Chair shall be appointed from and by the Employers' Side and the Employees' Sides of the Joint Committee, in alternate years. If the Chair appointed is a member of the Employers' Side the Vice-Chair shall be appointed from the Employees' Sides and vice versa.

**8. Quorum and attendance**

8.1 A quorum for the meeting shall be achieved by a ratio of 1 in 4 members (rounded up) for each of the Employer and Employee sides.

8.2 The Chief Executive, Head of People and Change (and Chief Operating Officer or equivalent postholder(s)) and/or their representatives may attend meetings in a consultative capacity and to advise on the implications for the Council of items under discussion.

8.3 The Directors, or Chief Officers and/or their representatives may attend and advise on the managerial implications of issues, which affect their services.

8.4 It shall be open for any trade union to arrange for the attendance, in an advisory capacity, of its district official, at any meeting of the Joint Committee, whilst business, particularly affecting the said Union, is under discussion.

**9. Agenda items meeting with employees side (JNC) ONLY**

9.1 Where possible, agenda items must have been fully discussed through the service level machinery and no agreement reached. Alternatively, an item should be deemed to be of such importance by the Employer's Side secretary and by the relevant Employee's side secretary that the matter needs to be considered by the Joint Committee without such prior failure to agree.

9.2 Where possible, agenda items must have been fully discussed, at the pre-agenda meeting, with the appropriate Employees' Side Secretaries/representatives on the Joint Committee, the Head of People and Change (or equivalent postholder) and the Employer's Side Secretary.

9.3 Agenda items are to be submitted in accordance with the timescales and deadlines, as identified by the Secretary of the Employer's Side, for each meeting.

9.4 The Employees' Side will reserve the right to submit emergency items, with the prior agreement of the Secretary of the Employer's Side, such agreement not to be unreasonably withheld.

## **10. Reports**

10.1 Reports from the Directors, and/or Chief Officers, should incorporate the comments of the Head of People and Change and /or, the Chief Operating Officer and where there are any legal implications the Assistant Director of Corporate Governance

## **11. Procedures**

11.1 The Joint Committee may call for, or, receive, representatives of, or, representatives from, service committees, or Directors.

11.2 The agenda of business, and any available report, shall be submitted, by the Employer's Side Secretary, to each member of the Joint Committee, seven calendar days before a meeting, except in the case of special meetings.

11.3 No business, other than that appearing on the agenda, shall be transacted at any meeting, unless both sides agreed to its introduction, at, or, before the beginning of the meeting. Only urgent matters will be considered.

11.4 In the case of meetings with more than one of the Employees' Side present, after the Employees' Sides' agenda pre-meeting, there shall be a meeting, between the Employees' Sides side and the officers, to enable the officers to explain any issues/management proposals, and, to clarify the precise nature of the Employees Sides' Agenda items.

11.5 All necessary facilities shall be provided for a pre-meeting of the Employees' Sides of the Joint Committee, prior to the start of each meeting. Prior these meetings, the Employees' Sides may give reasonable notice to request the attendance, at these meetings, of a Director, or, their representative, for consultation.

11.6 The Employees' Side representatives on the Joint Committee, shall be released for meetings of the Joint Committee and the Employees' Side and receive rates for pay, which they would normally have received, for the hours they attend those meetings. Where appropriate travel expenses can be claimed.

11.7 Any meeting taking place outside normal working hours will be paid at normal overtime rates excluding bonus, as and when appropriate, except in the case of part time employees, who can only be paid at plain rate, unless their hours in any week exceed 36 hours. NB. It should be noted that, in practice, the Council grants time off in lieu for any overtime worked, whenever possible, in order to minimise costs.

## **12. Voting**

12.1 Recommendations shall only be arrived at with the concurrence of a majority of each side of the Joint Committee. In the event of a disagreement, the matter may be referred to the appropriate Provincial Council machinery, or, (in the case of teachers) agreed dispute resolution machinery.

12.2 The Joint Committee shall not have the power to make recommendations inconsistent with its powers, or with decisions made at national and /or provincial level.

## **13 Revocation or amendment of Constitution**

13.1 Following consultation with the Joint Committee, the Staffing and Remuneration Committee may revoke, or amend, this Constitution.



## **Appendix B: Changes to the Council's Constitution resulting from the dissolution of CEJCC**

### **PART THREE – RESPONSIBILITY FOR FUNCTIONS**

#### **Section B – Full Council & Non-Executive Bodies**

#### **SECTION 3 - SUB-COMMITTEES AND PANELS**

The following bodies shall be created as Sub-Committees of the relevant Committee of the Council under which they are listed. Bodies described as "Panels" are Sub-Committees unless otherwise stated. Sub-Committees shall report to their parent bodies and they shall have the membership as described in the Appointments of Non-Executive Committees, Sub-Committees, Panels, etc as approved by the Annual Meeting

#### **1. Under the Staffing and Remuneration Committee**

##### **~~1.1 Haringey Council and Employees Joint Consultative Sub Committee~~**

~~(a) To negotiate on matters relating to the service between the Council and the officers or between officers with a view to the prevention of differences and to their better adjustment when they appear, and to make appropriate recommendations to the Staffing & Remuneration Committee~~

~~(b) To secure the largest possible measure of joint action between the Council and the officers for the development and improvement of local government administration, and for the consideration of the conditions of all engaged therein~~

~~(c) To make provision for members of the Cabinet to meet with Employee Side Representatives for the purpose of facilitating the resolution of differences between the officers and the Employee side that have been escalated through the Collective Disputes Procedure.~~

##### **1.12 Dismissal Appeals Sub Committee**

To hear and determine appeals against dismissal from employment in respect of all staff employed by the Council, save where the continued employment of the employee would contravene the law and subject to the limitation that the Sub-Committee will hear and determine appeals resulting from posts becoming redundant only where these affect Chief and Deputy Chief Officers. Members who sit on this Committee must not have had any prior involvement in any decision upon which the appeal is made.

### **PART FOUR – RULES OF PROCEDURE**

#### **Section B – Committee Procedure Rules**

58. In the case of meetings of Committees/Sub-Committees where prior member training is required, only those members who have attended appropriate training can be selected as substitutes. Currently these bodies are the Standards Committee and its Sub-Committees, the Planning Sub-Committee, ~~Haringey Council and Employees Joint Consultative Sub Committee~~, Dismissal Appeals Sub-Committee, and hearings conducted by the Licensing Committee and its Sub-Committees. Reserve members will be trained for the relevant body as soon as possible after their appointment.