

# Members/Trades Unions Joint Consultation & Safety Panel

Minutes of the meeting held on Wednesday 6 March 2019, at the Town Hall, Royal Leamington Spa at 4.30pm.

## **Present:**

Employer's representatives: Councillors Coker, Mrs Falp and Parkins.

Trades Unions' representatives: Mr Lynch, Mr Crump and Ms Outridge.

**Also Present:** Mr Carden (Building Manager & H&S Co-ordinator), Mrs Dolphin (HR Manager), Mr Leach (Democratic Services Manager & Deputy Monitoring Officer) and Mrs Tuckwell (Committee Services Officer).

It was the Unions' representative's turn to Chair the meeting, therefore Mr Crump took the Chair.

## **14. Substitutes and Apologies**

Ms Outridge substituted for Mr Mulryan and Councillor Mrs Falp substituted for Councillor Heath.

## **15. Declarations of Interest**

Councillor Parkins highlighted to the forum that she was a member of Unison and a work place representative at her place of work.

## **16. Minutes**

The minutes of the meeting held on 28 November 2018 were taken as read and signed by the Chairman as a correct record.

## **17. Fire Alarm Incident Report: Riverside House – 13 December 2018**

The Panel considered a report from the Building Manager and Health & Safety Coordinator which summarised the fire alarm incident of 13 December 2018 at Riverside House and the subsequently agreed learning/action points.

In response to questions from the Panel, the Building Manager and Health & Safety Coordinator advised that:

- the messages to staff had been circulated via word of mouth which had led to the message being communicated differently;
- the list of fire wardens was retained by the Building Manager and Health & Safety Coordinator but it was not up to date;
- in respect of Personal Emergency Evacuation Plans - one had been updated and two further plans had been identified as required;
- there would be further updates on the action points as part of the quarterly Health & Safety report to the Panels;

- the cleaning cupboards had all been secured with locks and the electrical switch rooms (where the sluices used by the cleaners were) had been cleared of materials. Although no locks were introduced yet, these would be locked out of use in the day and only opened when cleaners were on site or contractors needed to access them for maintenance;
- the communication plan, if a similar incident occurred, was being updated by the Service Team Leader, Safer Communities, as part of the Business Continuity Plan Update;
- in future events, staff off site would be allowed back into the car park to confirm attendance rather being locked out;
- cleaners were on site from 4.00pm to 7.00pm each day; and
- no fire drill had taken place for cleaners, but they had participated when alarms had been triggered later in the day, with the most senior officer on site at the time leading the event.

**Resolved** that the report be noted.

## 18. **People Strategy Update**

The Panel received a report from the Human Resources Manager that provided an update on the People Strategy Action Plan as supported by the People Strategy Steering Group and Senior Management Team.

The purpose of the People Strategy was to support the Council's Fit for the Future programme of work. Its aim was to ensure that the approaches to resourcing, learning and development, cultural change and organisational development were designed to deliver the workforce that the Council required. The People Strategy Action Plan underpinned the People Strategy and reports progress to SMT, CMT, People Strategy Steering Group and Employment Committee.

At Council on 23 January 2019, the new employee Code of Conduct was approved, but the Chief Executive recognised that Councillors wished to have further discussion on the following aspect of the code: "This Code applies to all Council staff. This Code does not form part of your contract of employment with the Council, and the Council reserves the right to amend it at any time." In summary, the concerns were about the ability to change elements within the Code of Conduct without consultation and the overall effect on the contracts of employment which could put the Council at risk if it came to a dismissal or indeed a tribunal. As a result of this discussion, the agreed conclusions were that the Code of Conduct did sit outside of the Contract of Employment. However, in each case, the employee was bound to the Code of Conduct and they accepted this when they were employed by Warwick District Council. As a result of that acceptance, should there be a breach of the Code of Conduct, then this would result in proceedings as a breach of contract as necessary.

It was accepted that some of the wording within the current contract issued needed to be improved to make it clearer and this very minor amendment would be instigated by the time Employment Committee would meet in March 2019.

In terms of the concerns about consultation, for every minor change to the Code of Conduct, this was neither necessary nor practical. However, where there was a significant or compelling change to the Code of Conduct (such as hours, grades, pensions, significant terms and conditions), then normal consultations (with staff, unions etc) would take place as was the norm. In the case of all changes, the expectation was that these would be overseen by the Employment Committee. The consultation process when required was in place and was robust.

There was no risk to neither Warwick District Council nor the employee and the process was robust enough to provide protection to all parties involved.

The Local Government Maternity Leave scheme included the provision to receive 12 weeks' Occupational Maternity Pay at half pay, subject to pledging to return to work for at least 3 months.

It was proposed that Warwick District Council waived the requirement to return to work to receive the additional 12 weeks half pay as it had little impact on retention and it could cause problems in relation to service planning and continuity of provision, should a member of staff elect to return to work for the 12 weeks only (the half pay was more than the statutory payment of £145.18 or 90% of the average weekly earnings, whichever was lower, for 33 weeks).

This amendment supported the aim of the Council to support family friendly policies and was seen as a benefit in the Council's recruitment processes.

The report presented at Employment Committee in January 2015 set out that proposed that Committee no longer approves requests/costs for early or flexible retirement. However, there was no recommendation (and resultant decision) to confirm an amendment to this policy. Therefore, the report sought to confirm the approach that was supported and to ensure the amendment was duly recorded.

In response to questions from Councillor Coker, the Unions' representative confirmed that they supported this approach to the Code of Conduct as set out within the report, explaining the good working relationship with Council Officers and that they had been consulted on both the revised code and subsequent legal advice.

The Unions' representative also explained that they fully supported the other proposed changes as set out within the report.

**Resolved** that the

- (1) the content of the report be noted;
- (2) the revision to the Maternity Policy removing the requirement to pay back 12 weeks Occupational Maternity half pay unless returning to work for a minimum of three months, be supported; and

- (3) the removal of the requirement for Employment Committee to determine applications for early retirement, be supported.

(The meeting ended at 5.20 pm)