

**HARROGATE BOROUGH COUNCIL
INFORMATION AND CONSULTATION AGREEMENT (Draft)
WITH TRADE UNIONS AND EMPLOYEES**

1.0 INTRODUCTION

- 1.1 The Council encourages employees to join trade unions recognised by the Council, and has a long history of informing and consulting with its employees through trade unions, recognising that trade union representation fulfils an important role. The Council also accepts that some employees are not trade union members, and these employees should have an equal right to be consulted.
- 1.2 The trade unions recognised by the Council fully support the philosophy between improved consultation with staff. However, consultation is not exclusive to them.
- 1.3 The Council will consult with the Council Employee Forum (CEF) on corporate issues, and the Departmental Employee Forum (DEF) on departmental issues. This agreement refers to both Forums except where otherwise stated.
- 1.4 This agreement applies to both the Corporate and Departmental Forum as appropriate.

2.0 CONSULTATION

- 2.1 For the purpose of the Forum, the term consultation is used to describe the involvement of staff, through their elected representatives, in discussion and consideration of issues, which affect or concern their employment. Proper consultation requires that staff are able to influence proposals before a final management decision is taken, and that their views are taken into account when a decision is reached.
- 2.2 The Forum is a body for information and consultation, not for negotiation or collective bargaining. The role of the Forum is to enhance, not to substitute for, everyday communication within the Council or with individual members of staff. It will not discuss individual cases under the disciplinary or grievance procedures.

3.0 OBJECTIVE OF THE FORUMS

- 3.1 The main objective of the Forums will be to encourage understanding, trust, better decision making and improve on the already good employment relations through the involvement of employee representatives, both members and non-members of trade unions.
- 3.2 It also satisfies the legal requirements of:

- ❖ The Information and Consultation of Employees (ICE) Regulations 2005.
- ❖ The Safety Representatives and Safety Committee Regulations 1977, and
- ❖ The Health and Safety (Consultation with Employees) Regulations 1996 (HS(RE)).

3.3 It will help understanding and management of change and improve internal communications.

4.0 TERMS OF REFERENCE

4.1 The Council will, in accordance with the statutory provisions under the Information and Consultation with Employees Regulations (ICE) 2005 consult and provide the Forums with information on:

- (a) The recent and probable development of the Council's activities and economic situation.**
- (b) The situation, structure and probable development of employment within the Council and any anticipatory measures envisaged, in particular, where a threat to employment.**
- (c) Decisions likely to lead to substantial changes in work organisation or in contractual relations.**

4.2 Representatives will be provided with information on (a), (b) and (c) and consulted on (b) and (c).

4.3 Whilst the Council is not obliged by statute to follow representatives' opinion, it will always aim to reach agreement on decisions in category (c) above, although sometimes this agreement may not be possible.

4.4 There may be occasions where redundancies are more appropriately dealt with on a case-by-case basis in consultation with the Trade Unions. Where this is the case the appropriate Forum will be informed of this.

4.5 The Council will also inform and consult the Forums on decisions on health and safety as set out in the Safety Representatives and Safety Committee Regulations 1977, and the Health and Safety (Consultation with Employees Regulations) 1996 (see attached summary).

Examples of issues which are not for Information or Consultation or Negotiation by the Employee Forum are:

4.6 Matters of individual grievances, disciplinary or capability.

- 4.7 Matters reserved for negotiation or consultation at national, provincial or other agreed local level, although information by way of briefings on the Forums will be provided.
- 4.8 Matters over which the Council has no control, such as statutory requirements which the Council is legally obliged to comply with, although information and consultation will take place about how new requirements will be implemented.
- 4.9 Matters where disclosure would seriously harm the functioning of, or be prejudicial to the Council.
- 4.10 Information which is exempt under the Freedom of Information Act if, for example, releasing the information would amount to a breach of confidence.
- 4.11 The decision as to whether any particular item is appropriate for discussion will be at the discretion of the Head of Human Resources. When a request is refused explanations will be given.
- 4.12 If the representatives dispute the decision by the Head of Human Resources, then an appeal can be made under the Council's Procedure for Hearing a Dispute. If that request is turned down at this level, under the ICE Regulations, an appeal can be made to the Central Arbitration Committee (CAC) under the ICE Regulations.

5.0 DEPARTMENTAL FORUMS

- 5.1 The general terms of reference for the DEF will be as for the CEF, except they must concentrate on departmental issues. They will also:
- ❖ Support CEF representatives in terms of administration, research, and communication with employees.
 - ❖ Act as a "coaching" ground for the CEF, when representatives do not have the confidence to stand for the CEF they might use the DEF as a step towards becoming a full CEF representative.

6.0 CONFIDENTIALITY

- 6.1 The Council is committed to as much openness as possible. In order to build trust and understanding, "no go" areas will be kept to an absolute minimum. Managers will give good reasons for confidentiality.
- 6.2 Employee representatives are not bound by a confidentiality obligation, unless management explicitly asks for it. The elected representatives will sign a confidentiality agreement, which comes into operation on specific issues as identified by the Council at the time.

- 6.3 The ICE Regulations oblige any employee who receives confidential information not to disclose it except within the terms under which they receive it. If they do, they will be in breach of the Regulations, and can be sued for damages. However, they may escape this penalty if the disclosure is protected under Council's Whistleblowing Policy.
- 6.4 A very high level of trust is expected of Representatives. Representatives will be left in no doubt about what will happen in the event of any breach of confidentiality. Wrongful disclosure of confidential information will be a disciplinary offence, and penalty will include loss of representation on the Corporate or Departmental Forum.

7.0 EMPLOYEE REPRESENTATION

Support from Management

- 7.1 The Council will continue to encourage employees to become members of a trade union recognised by the Council. It will also encourage employees to become Forum Representatives. Opportunities for this sort of discussion can take place during informal and formal appraisal, and recruitment interviews, and on induction courses.
- 7.2 The benefits for representatives will be:
- ❖ Learning and development.
 - ❖ The challenges that representation will bring.
 - ❖ The philosophy that standing as a representative is regarded as "good citizenship" and reflects the community spirit which the Council seeks to promote.
 - ❖ The increased understanding of the operation of the Council which will give opportunity for further personal development and understanding.
- 7.3 Management accepts that effective consultation takes time but that the consultative process will improve the quality of decisions and that employees will work with difficult decisions if they understand and accept the reasons behind the decisions. In this respect management will give information in enough time, and in an approach that the representatives will be able to understand. They will also give a full and reasoned response to points raised by representatives.

Responsibilities of Representatives

- 7.4 To contribute, together with all other members, to achieving the aims of the Forums.

- 7.5 Representatives must make every effort to attend each meeting and provide a substitute representative if possible where this cannot be avoided. Substitute members must be appropriate ie Head of Service for Head of Service, young employee representative for young employee representative. Substitute members will not become regular members because they have not been formally elected to that role.
- 7.6 Representatives will report back to the Forums with the information requested by the date specified.
- 7.7 Representatives will raise and address issues at DEF level whenever possible.
- 7.8 Representatives will raise and address issues at the CEF level if the issue affects the Council as a whole or more than one Department.
- 7.9 In exceptional circumstances, and with the Agreement of the Chairperson of the Human Resources Committee, Representatives can make representation in person at the Committee.
- 7.10 A representative will not:-
- Report information specifically given in confidence to Forum members.
 - In normal circumstances act outside their team.
 - Leave their place of work on Forum business without first obtaining consent from their line manager, and indicating the expected time of return. [Subject to the needs of the service, permission for such activity will not be unreasonably withheld].
 - Enter another department on Forum business without first making contact with the manager.
- 7.11 Attendance at the Forum will be monitored. The Forum will have the right to suspend or remove from membership, a representative who repeatedly fails without good reason to attend meetings, or who fails to represent the views of the team, or who indulges in conduct that is contrary to the proper purpose and functioning of the Forum, eg the disruption of meetings. This will be by a majority vote of the Forum. Should a representative be removed, there will be a bi-election.
- 7.12 The Senior Management Team is committed to ensuring that representatives working relationships are not prejudiced as a result of any views expressed in good faith, nor by their need at time to respect confidentiality, in their capacity as a representative. The harassment or victimisation of representatives will be regarded as grounds for action under the Harassment Policy and Guidance relating to the prevention and management of Harassment and Bullying at Work.

8.0 COMPOSITION

- 8.1 As the Forums are consultative Forums, not usually involved in voting there should merely be an **overall** balance between management and representatives on the Forums.
- 8.2 As a general rule, the size of the Forums should be kept small enough to ensure meaningful discussion, whilst at the same time ensuring representation either at Corporate or Departmental level.
- 8.3 The Chairpersons will be elected by the Forums annually.
- 8.4 The Council will regularly review the composition of the Forums, for example, at election and Council restructure.

CEF Employee Representatives

- 8.5 The Trade Union Branch Secretaries will be permanent members of the CEF Forum and should stand at three, ensuring each trade union is represented.
- 8.6 Each Department should be represented at the CEF.

DEF Employee Representatives

- 8.7 Representation will be encouraged from minority groups such as young employees, the disabled, ethnic minorities and women at senior levels. This will also promote diversity and ensure equality of opportunity more generally.
- 8.8 Representatives will also be encouraged from distinct groups of employees (such as “operative” workers) so that different interests and needs are reflected.

CEF Management Representatives

- 8.9 Management will be non-elected members.
- 8.10 The CEF will include the Head of Human Resources, a Health and Safety Adviser, and a Director.
- 8.11 Each Department should be represented at Head of Service level at the CEF.

DEF Management Representatives

- 8.12 Management will be non-elected members.

- 8.13 The DEF will include a Head of Service, who will report to their Director on the issues arising.
- 8.14 Managers will be encouraged to sit on the Forum as part of their personal development.

Groups/or individuals, which may be co-opted to the Forums for specific projects etc

- 8.15 The Council will make management or employee representatives available to the Forums, if required, to give reasoned response to any opinion the representatives or management might give.

9.0 ELECTION OF EMPLOYEE REPRESENTATIVES

- 9.1 All staff other than temporary staff with contracts less than one year will be eligible to stand for election.
- 9.2 Employee representatives will be directly elected by the employees they represent or be nominated by the Trade Union on the basis of members' election.
- 9.3 When a representative leaves their team, because of an internal transfer or termination of employment, there will be a bi-election. If, at the end of the bi-election there is less than one year until the next general (ie two yearly) election of representatives, the new representative will not have to be re-elected at that election.
- 9.4 Trade Union representatives will be elected to the Forum based on their current status as a branch secretary, but should if possible, represent non-union members in their area when undertaking their representation role on the panel.
- 9.5 Those employees putting themselves forward for election should state whether they wish to be voted onto the Departmental Forum, and/or the Council their reasons as to why they wish to serve on that Forum, and any particular interest they have (such as representation for minority or particular interest groups). Employees on the Council Forum must be representatives on a Departmental Forum.

Qualifications of Candidates and Voters

- 9.6 Voters and candidates must be employees of the Council.
- 9.7 Candidates to the Forums should be able to attend meetings.
- 9.8 Reporting back what happens at meetings is the responsibility of the representative and management. The Council will use the current channels of communication, such as Council Talk, briefing groups,

notice boards, the intranet, the circulation of Forum minutes, and the periodical "State of the Nation" messages from the Chief Executive.

- 9.9 Representatives will take an active part in progressing and resolving queries and concerns between meetings. They will also need to keep in regular contact with their constituents to ensure agendas are relevant and to communicate the outcomes from the meetings.

Voting arrangements

- 9.10 Employees will be entitled to vote for as many candidates as are able to represent them on:

Corporate Issues
Departmental Issues
Issues which are particular to their own interest groups

The Period of Office of Members and arrangements for their Retirement

- 9.11 A period in office of three years will enable continuity in terms of Forum composition, allowing time for relationships and expertise to develop over time, as well as reducing the need to train fresh representatives.

Provision is, however, made for representatives to stand down after a 12-month review, should they change their mind about the role.

Administration and Support

- 9.12 The Forums will be provided with a Secretary from Departmental Business Support. In the case of CEF this will be provided by Member Services. He/she will be responsible for arranging and convening meetings, gathering items and papers for and preparing the agenda in consultation with both sides, and taking and circulating minutes, notices and agendas. He/she will also be responsible for providing the CEF with a copy of the Human Resources Committee agenda.

Agenda items should be submitted to the secretary within fifteen working days of meetings. The Secretary to submit the agenda and associated papers to the Forum(s) within ten working days of meetings.

- 9.13 Correspondence for the CEF will be addressed to Member Services. Correspondence for the DEF will be addressed to the Head of Services attending the DEF.
- 9.14 Representatives have a statutory right for time-off for attending meetings, liaising with employees, canvassing views from those represented etc. This will be the same as that offered for Trade Union representatives, as set out in the Council's Policy for Time Off for Trade Union Duties and Activities.

Arrangements and Frequency of Meetings etc.

- 9.15 The meetings will be held on Council premises during work hours, four times a year. The dates of the meetings for the year will be scheduled and publicised in advance. Additional meetings may be held in exceptional circumstances with approval of the Chair of the Forum. The Agenda will provide for any other business of an urgent nature.
- 9.16 DEF meetings will follow on from CEF meetings in order to cascade information down.
- 9.17 Meetings will not normally last much longer than two hours because concentration and quality of debate will suffer.
- 9.18 CEF meetings will be judged to be a quorum if one member of management, one trade union member and one Representative from each Department are present.
- 9.19 DEF meetings will be judged to be a quorum if one member of management and two members of the Department are present.
- 9.20 Either the Representatives or the Council may call special meetings. Such meetings will be convened within ten working days, unless the side requesting the meeting agrees otherwise.

10.0 TRAINING FOR REPRESENTATIVES AND MANAGEMENT ON THE FORUMS

- 10.1 Joint training will help to improve mutual understanding. It will be participative, with people encouraged to exchange views, take part in discussions and share ideas and experiences. This will help to develop the behaviour that effective information and consultation require. The objectives of the training will be to:-
- ❖ Recognise mutual interests and joint working.
 - ❖ Discuss and develop a shared understanding of what the role involves.
 - ❖ Awareness of the importance of good information and consultation practice.
 - ❖ Reporting back to employees.
 - ❖ Understanding the need to represent the views of all their constituents and do not just their own views or a small section.
 - ❖ Adopting qualities such as being approachable, impartial, open and honest, being decisive and being prepared to stand by decisions.

- ❖ Developing skills including listening, communicating, and a good general awareness of the Council's objectives and procedures.
- ❖ Utilising and recording the time and resources available to them as representatives.
- ❖ Training and team building, problem-solving techniques, collecting information, communication structures in the Council, and group decision-making.

11.0 METHOD OF ALTERING THE AGREEMENT

This agreement may be amended at any time with the consent of The Council, Trade Unions and employees.