

**THE HIGHLAND COUNCIL**  
**Joint Consultation Group (Administrative Etc, Manual and Crafts Staffing)**

Minutes of Meeting of the Joint Consultation Group (Administrative Etc, Manual and Crafts Staffing) held in Council Headquarters, Glenurquhart Road, Inverness on Friday, 28 June, 2013 at 10.35 a.m.

**Present**

**Employer's Representatives:**

Dr D Alston  
Mr A MacKinnon  
Miss J Campbell

Mr H Morrison  
Mr R Laird  
Dr I Cockburn

**Staff Side Representatives:**

Mr R Selkirk, GMB  
Mr M Haymer, GMB  
Mr A Wemyss, UNITE  
Mr C Cameron, UCATT

Ms L MacKay, UNISON  
Ms M Macrae, RCN  
Ms S Arch, CSP

**Officials in attendance:**

Ms M Morris, Assistant Chief Executive  
Mr J Batchelor, Head of Human Resources, Chief Executive's Service  
Mr R Whyte, Regional Officer, UNITE  
Mr S Dillon, Regional Officer, UCATT  
Mr J Robertson, Programme Manager, Corporate Improvement Programme  
Ms L Campbell, Business Support Process Lead, Corporate Improvement Programme  
Mr M MacDonald, Personnel Manager, Chief Executive's Service  
Ms C Campbell, Maintenance and Service Support Manager, Housing and Property Service  
Mr A MacInnes, Administrative Assistant, Chief Executive's Service

**Ms L MacKay in the Chair**

**1. Apologies for Absence**

Apologies for absence were intimated on behalf of Mr D Fallows, Mr D MacKay and Mr F Parr from the Employer's Side and Mr J Rosie, Unite, Ms M Nicolson, Unison and Mr J Gibson, Unison from the Staff Side.

**2. Declarations of Interest**

Mr A MacKinnon declared a non-financial interest on the items to be discussed at the meeting on the grounds that his spouse was an employee of the Council but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.

### **3. Minutes of Last Meeting**

There had been circulated for confirmation, Minutes of the last meeting of the Group held on 8 March, 2013 the terms of which were **APPROVED**.

Arising from the Minutes the following matters were raised:-

Scottish Living Wage – it was previously reported that work was being undertaken through Scotland Excel to look at options to encourage contractors to pay the Living Wage, within certain legal restrictions. It had now been confirmed that Local Authorities could not legally include in contracts the requirement for contractors to pay the Living Wage.

Evaluation of Posts – the Staff Side sought an assurance that agenda for change jobs would not be re-evaluated. In response, it was advised that following the last meeting of the Group, the Head of Human Resources met with trade unions to discuss their concerns on this matter, and an agreement had now been reached on a way forward, with Trade Union representatives now being represented on the Scrutiny Panel for the evaluation of posts.

### **4. National Recruitment Portal**

There was a presentation on the National Recruitment Portal (NRP) by the Programme Manager and Business Support Process Lead, Corporate Improvement Programme.

It was explained that the NRP was an electronic version of the job application process. It was a more efficient system and had benefits in terms of communicating with staff about vacancies. All Councils in Scotland used the system to some extent. The NRP was used for both internal and external job applications.

Following a demonstration of the NRP's functionality, the Chair thanked the Corporate Improvement Programme representatives for their presentation.

### **5. Equal Pay Audit Findings**

There was circulated Report No. JCG/6/13 by the Assistant Chief Executive which introduced the findings of the 2013 Equal Pay Audit following the Joint Working Group with the trade unions.

The audit findings and action plan recommended by the joint working group were set out in the appendix to the report. It was proposed that the action plan is managed by officers in HR Services in partnership with the trade unions and Service managers, with annual reports on progress to the Joint Consultation Group.

It was reported that the impact of the Scottish living wage had benefited 669 of the employees included in the 2013 Audit data. Of these 566 were female and 103 were male and of particular significance was that 526 of the females who had benefited worked on a part time basis.

The Group:

- i **NOTED** the findings of the 2013 Equal Pay Audit; and
- ii **AGREED** the proposed action plan to be taken forward in conjunction with Services and the trade unions.

## 6. **Corporate Improvement Programme 2**

There was circulated Report No. JCG/7/13 by the Assistant Chief Executive which provided an update on the Corporate Improvement Programme 2 (CIP2). It was reported that CIP2 projects had started with projects progressing satisfactorily, targets of £6m had been set.

Progress was provided on the following projects:- asset management; business support; customer contact transformation; income generation; integrated transport provision; mobile & flexible working; managing information and procurement. An assessment of the projects that would most likely affect staff was also provided.

The Group **NOTED** the progress of the programme and the engagement with staff and trade unions.

## 7. **Whistleblowing Policy**

There was circulated Report No. JCG/8/13 by the Assistant Chief Executive which highlighted the minor amendments to the Whistleblowing Policy to ensure compliance with the Code of Corporate Governance and to include specific reference to the Bribery Act 2010. These amendments were approved by Finance, Housing and Resources Committee on 5 June 2013. There was an additional minor amendment to include "in the public interest" (as required from 25 June, 2013 under the Enterprise and Regulatory Act 2013) throughout the policy.

Following a request from the Staff Side, the Scottish Government hotline telephone number for Health Services would be included in the policy, and otherwise the Group **NOTED** the amendments to the Whistleblowing Policy.

### **STAFF SIDE ITEMS**

## 8. **External Advertisement of Post – Clerk (Children’s Hearing Scotland)**

The Staff Side noted that the Clerk (Children’s Hearing Scotland) post had been advertised externally presumably at the request of the Service. It was queried if posts such as this and other new posts were considered against the Redeployment Register.

In response, it was explained that this was a new joint post shared between the Highland Council and Moray Council. The post was advertised externally as it involved Moray Council. Short listing for the post had taken place and all the candidates shortlisted were from internal candidates (NHS and Councils). The post would have been considered against the Redeployment Register to see if there was a redeployment opportunity.

The Staff Side asked if trade unions could be involved in the vacancy

monitoring process in order to monitor posts that could be considered for redeployment. It was explained that Human Resources administered the Redeployment Register and reviewed vacancies as they arose against the register. However, currently there was no agreement for staff working with NHS Highland to be considered against the Council's Redeployment Register and vice versa, and this maybe something the Council could work towards with NHS Highland and trade unions. The Staff Side understood that there had been an agreement on this issue and the Head of Human Resources undertook to look into this and report back.

The Staff Side also advised that jobs were still being advertised externally only, and in response they were advised that if such instances happened then the Assistant Chief Executive should be notified as posts should be advertised internally at the same time as external adverts.

Many staff did not have access to electronic devices in order to look at the National Recruitment Portal and relied on paper copies of job vacancies being disseminated to various locations, which was not always effective. It was advised that given the problems of disseminating information to employees not on e-mail, the Council would ensure that Services were reminded of their responsibilities as per the agreed communications standards. In addition the Senior Management team would be informed of the Group's concerns and the need for Managers to ensure that information was disseminated to all staff in their Service. It was requested that a copy of the communication to the Senior Management team would be circulated to the Group.

Thereafter, the Group:-

- i **NOTED** that the Head of Human Resources would report back on whether or not there had been an agreement between the Highland Council and NHS Highland to monitor vacancies against the Redeployment Registers of both organisations;
- ii **NOTED** that the Council would ensure that Services were reminded of their responsibilities as per the agreed communications standards; and
- iii **AGREED** that the Senior Management team would be reminded to ensure that information was disseminated to all employees within their Service. A copy of this communication would be circulated to the Group.

## 9. **Permanent contracts for Apprentices**

The Staff Side referred to a number of apprentices in Housing and Property who were only being offered temporary contracts of six months to a year by Highland Council after they are fully qualified. They were kept on their fourth year apprentice rate for that term even though they were fully qualified. The Staff Side sought a guaranteed permanent contract for apprentices once they had completed their qualifications and were time served.

In response it was advised that over the last four or five years, Housing and Property Service had recruited 25 apprentices. Nineteen apprentices had been retained, which indicated a successful apprenticeship programme. Apprentices that had qualified were being paid the correct amount for the job. The Staff Side were asked to present specific details of apprentices that were

not being paid the correct amount, in order that this matter could be looked into.

Insofar as the request for apprentices to be guaranteed jobs at the end of their apprenticeship, currently when apprentices were recruited they were advised that there was no guaranteed job. However, given that Housing and Property Service had retained nineteen apprentices over the last few years, this showed the commitment towards retaining apprentices. The apprenticeship programme had been a significant investment for the Council. There would be implications of a policy change where apprentices would be guaranteed a job at the end of their apprenticeship. If this were policy then there would be a risk that this would limit the number of apprentices that the Council would take on.

Thereafter, the Group **AGREED**:

- i that the Staff Side would present specific details of apprentices in Housing and Property Service that were not being paid the correct amount for the job and this would be looked into and reported back to the Staff Side; and
- ii that a report be submitted to a future meeting looking at how the Council supported apprentices across all services.

## **10. Overuse of outside Contractors**

The Staff Side advised that there appeared to be an increase in the use of outside contractors and agency workers by the Housing and Property Service. This could not be best value for the Council and it was their view that as much work as possible should be kept in house. It was requested that a review of the volume of work put out to external contractors by Housing and Property Services over the last five years should be undertaken to see if it had increased. More jobs in house would also provide more opportunities for apprentices to be retained.

In response it was advised that over the last four years, work going out to external contractors had not increased. The use of contractors in 2012 had decreased when compared to 2011 and the volume of work undertaken in house had increased. Contractors were used to manage busy periods and specialist areas of activity. However, Housing and Property Services would always seek to undertake work in house when possible.

Information on the use of external contractors by Housing and Property Services and the value of these contracts over the last five years would be given to the members of the Group. It would also be checked if there were capital works that the Council had not tendered for.

Thereafter, the Group **AGREED** that information on the use of external contractors by Housing and Property Services and the value of these contracts over the last five years would be circulated to the Group.

## **11. New standby scheme for Housing and Property Service**

The Staff Side advised that before and during the job evaluation scheme, at meetings involving Highland council officials and unions it was stressed by the

officials that there would be no detriment to workers pay by moving over to the new standby scheme. This was not the case and a number of workers had been affected, particularly those who worked in areas where there were a high number of call outs. Trade unions had submitted a compromise agreement to management but no response had been received as yet.

In response it was advised that there had been a collective agreement to introduce the new job evaluation scheme and harmonised conditions of service for staff in Housing and Property maintenance. Subsequent to this, it was discovered that under the former system there were overpayments to staff for some considerable time. The Council required to stop overpayments and were entitled to recover them, but in this case it had been decided not to recover previous overpayments. As a result of stopping the overpayments some staff are now paid less. A grievance had now been lodged by trade unions as a result.

The view was expressed that given that a grievance had been lodged this process should be allowed to continue.

Following further discussion, the Group **NOTED** that a grievance had been lodged by trade unions in relation to the new standby scheme for Housing and Property Services and the grievance process had commenced and would follow the agreed procedure.

## **12. Collation of union data**

The Staff Side advised that during a recent disciplinary hearing involving a Ucatt representative, it was claimed by the Highland Council official present that according to their HR department they had no knowledge of the person involved being a Ucatt representative or indeed of any other stewards/representatives within the council who represented Ucatt. This was despite Ucatt producing copies of papers which had been sent to Highland Council advising of newly appointed stewards/representatives.

It was requested that the Council keep up to date records of trade union representatives.

In response, it was understood that trade union representative's details had been sent to different locations within the Council and in future if details were sent to the Head of Human Resources a central record could be kept.

The Group **NOTED** that trade unions would forward details of their trade union representatives to the Head of Human Resources in future.

## **13. AOCB**

Blacklisting – The Staff Side referred to coverage in the national press regarding blacklisting in the construction industry which had been uncovered. The Consulting Agency, largely set up by big construction companies, had a database of people who had raised health and safety concerns on construction sites and details of trade union members and representatives. Applicants for jobs were tested against the blacklist. There had been a Scottish Parliamentary Select Committee investigation into the matter. However, the practice of blacklisting still continued and trade unions were

actively campaigning against this practice. A number of local authorities had condemned the practice of blacklisting. Trade Unions would be requesting that legal action be taken to have companies associated with blacklisting being removed from approved tender lists.

The Staff Side advised that it was their intention to write to each of the political groups on the Highland Council requesting them to raise a motion condemning the practice of blacklisting.

In response, it was advised that this matter would be raised at the next Administration Leaders meeting. It was advised that the offence which had been established was under the Data Protection Act. It may therefore be difficult to do anything about this issue, as no offence in relation to blacklisting had been established. However, the Council would look to see what could be done.

The Group **NOTED** the Staff Side's intention to submit a letter to the Highland Council seeking the Council's support to condemn the practice of blacklisting.

Community Challenge Fund – a report had been submitted to the Highland Council at their meeting on 27 June, 2013 and the recommendation to approve two applications had been approved. Trade unions had previously been consulted on the applications and the impact, if any, there would be on staffing.

In terms of the Fort Augustus application, there was a Village Officer on a temporary contract and the role of this officer would, in part, move to the Community Company. HR Services and TEC Services would meet with the employee and his trade union representative to discuss the implications of this decision. There would be a consultation process on the transition process for transferring this service over to the Community Company. It was advised that the proposal would create an additional job in the Company.

The Group **NOTED** the position.

The meeting ended at 12.15p.m.

Date of Next Meeting – Friday, 6 September, 2013 commencing at 10.30a.m.