

**MINUTE**

of

**JOINT CONSULTATIVE COMMITTEE (FIRST TIER)**

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 22 September 2016.**

**Present:**

Councillor Jim Fletcher  
Councillor Gordon McCaskill

Councillor Ralph Robertson

**Union Representatives:**

Mr John Guidi (SSTA)  
Mr Mark Kirkland (UNISON)  
Mr Steven Larkin (UNISON)  
Mr Gordon Lees (UNISON)

Mr Joe Lynch (UNISON)  
Mr Des Morris (EIS)  
Mr James O'Connell (UNITE)  
Mr John Rodger (EIS)

**Attending:**

Caroline Innes, Deputy Chief Executive; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Sharon Beattie, Head of HR, Customer and Communications; Phil Daws, Head of Environment (Housing and Property Services); Frank White, Head of Health and Community Care; Hugh Friel, Senior HR Officer; Lisa Gregson, HR Business Partner; and Linda Hutchison, Senior Committee Services Officer.

Councillor Fletcher in the Chair

**Apologies:**

Mr Martin Doran (GMB); and Mr Brian Dunigan (UNITE).

**APPOINTMENT OF VICE CHAIR**

1. Under reference to the Minute of the meeting of 19 May 2016 (Item 6 refers) when it had been noted that Mr Munro, the current Vice-Chair, was retiring, it was proposed and agreed that Mr Des Morris be appointed as Vice Chair.

**MINUTE OF PREVIOUS MEETING**

2. The committee considered and approved as a correct record the Minute of the meeting held on 19 May 2016 subject to the deletion of the first sentence of Paragraph 2 of Item 4 on the Health and Safety Committee.

## ONGOING BUDGET ENGAGEMENT PROCESS

3. Under reference to the Minute of the meeting of 19 May 2016 (Item 2 refers) when the position on the ongoing budget engagement process had been noted, Mr Lynch outlined related Trade Union (TU) concerns on the current level of engagement. He referred to TU members' concerns about their future employment, arguing that more transparent and meaningful discussions with the TUs were necessary on proposed savings and associated staff implications and requesting a written, general overview of the potential impact on staff whilst acknowledging the need for appropriate confidentiality to be maintained.

Councillor Fletcher stated that he could only comment as far as he was able to, that the budget discussions remained ongoing with many still at officer level, and that no firm decisions could yet be taken as the level of funds available in future remained unclear. Having referred to discussions at COSLA, he added that the Scottish Government Cabinet Secretary for Finance and Constitution had clarified that future funding for local authorities and other services would remain unknown until after the Chancellor of the Exchequer had made his Autumn Statement. Councillor Fletcher anticipated a difficult financial settlement for local authorities as they were not one of the Scottish Government's priority areas.

The Head of HR, Customer and Communications referred to a commitment already given to share appropriate budget information at second tier Joint Consultative Committee (JCC) meetings from September 2016 and a forthcoming TU/management meeting in October when the TUs could outline their concerns enabling them to be relayed to the Budget Strategy Group. In response, Mr Lynch referred to challenges encountered by the TUs reconciling various pieces of information provided at the second tier meetings, reiterating that a written paper overviewing the general position would be useful.

Councillor Fletcher, supported by the Deputy Chief Executive, undertook to ascertain what information on impact of savings on staff could be provided for the meeting in October. The Deputy Chief Executive also referred to the importance of the second tier JCC discussions proceeding and concluding through which feedback could be gathered and collated, adding that the position on some staffing issues was still unknown. Mr Lynch acknowledged that information provided at this stage would be indicative, but referred to the value TUs attached to having an overarching view of discussions which helped with liaison with their stewards.

Councillor McCaskill referred to the Scottish Government's plan to direct resources raised locally through adjustment of Council Tax bands to education initiatives across the country, suggesting that the legality of this be explored because it was unlikely that benefits in education realised locally would equate to the funds raised through East Renfrewshire. Councillor Fletcher and Councillor Robertson referred to the new Council Tax banding arrangements and related issues and financial implications. Having stated that he also considered it unlikely that the scale of funds redistributed to East Renfrewshire would equate to that raised locally, Councillor Fletcher summarised what the Council was permitted to do in terms of raising Council Tax levels which was subject to a 3% cap in 2017/18. The Head of Accountancy explained further how it was anticipated that the funds under discussion on addressing the educational attainment gap would be generated and used, clarifying that final confirmation was awaited. Having heard Mr Lynch refer to the need to manage related expectations, Councillor Fletcher commented that he thought it likely that some local residents living in properties in Council Tax bands E and above would not yet be aware of the scale of the Council Tax increase they were facing or of the related financial implications locally at a time of reduced services linked to austerity.

The committee noted:-

- (a) that the staffing implications of the proposed savings would be collated for submission to the TU/Management meeting in October as far as it was possible to do so; and
- (b) otherwise, the position and comments made.

#### **POTENTIAL SALE OF BONNYTON HOUSE**

4. Mr Larkin raised concerns about the lack of detailed information provided to the TUs on the potential sale of Bonnyton House. He clarified that they had been told there was a single preferred bidder, but that a request for further details of the provider, to enable them to pursue their due diligence checks such as on employee terms and conditions, would be met only when received in writing. He explained that no response had yet been received to their written request, that staff at Bonnyton House had various concerns including on their future pension arrangements, and that the lack of information itself was causing concern.

Councillor Fletcher clarified that elected Members had not yet had information on the detailed bids submitted, but that it had been reported to the HSCP Integration Joint Board that there were two preferred bidders, one of which would become the single preferred bidder. Having emphasised that withholding information was linked to maintaining commercial confidentiality not concerns about the providers, he stressed the Council's wish to ensure service quality at the facility remained high and that the terms and conditions of staff transferring to the new provider were as good as possible. He also referred to expectations that staff pension arrangements would be good under the Transfer of Undertakings (Protection on Employment)(TUPE) Regulations and related future discussions and explained further why a report to be submitted to the Cabinet soon on Bonnyton House had to be considered on a private and confidential basis.

The Head of Health and Community Care commented that, subject to the appointment of the preferred bidder, the provider had already agreed to meet TU representatives and staff to discuss concerns. Having also referred to information already provided through the Staff Forum and efforts made to provide the TUs and staff with as much information as possible, he clarified that it was anticipated that the preferred bidder could be made known to the TUs within days. Mr Larkin commented that this was reassuring, adding that the TUs had not known why the submission of the report to the Cabinet had been delayed to October. The Head of Health and Community Care apologised for any lack of clarification on this on his part.

Mr Lynch referred to the new employer's obligations under TUPE Regulations to negotiate with the TUs on appropriate issues, but commented that TUs' preference was to pursue their own due diligence checks prior to the preferred bidder being decided. He clarified that information on the financial agreement was not being sought, just the bidder's name. He also referred to staff concerns about not having access to the Local Government Pension Scheme (LGPS) for their future service and inconsistent information passed to the TUs, requesting that these concerns be recorded.

Councillor Fletcher apologised for any inconsistency of approach, reiterating that information would be provided as soon as it could be. He highlighted that the Council expected the preferred bidder to be a good and proper employer, in the interests of both residents and staff, who would respect TUPE provisions, adding that related work was ongoing. Mr Lynch requested that this be recorded in the Minute also.

Councillor Robertson highlighted that pension entitlement accrued under the LGPS was protected and the possibility of the future pension provisions being superior to that scheme. Mr Lynch stated that he hoped that the terms and conditions of staff in future would equal or exceed the current ones, emphasising the importance of the Council asking adequate questions about these, especially given the importance the new provider would attach to maximising profitability. Councillor Fletcher clarified that all Members had access to reports submitted to the Cabinet and could raise any questions they considered appropriate either at the formal meeting and otherwise. In reply to Mr O'Connell whose view was that the new provider should guarantee staff terms and conditions which were at least as good as their current ones and referred to the lack of opportunity the TUs had had to discuss these, Councillor Fletcher referred to discussions on these that would form part of the standard negotiations on the contract.

Mr Lynch highlighted the TUs' expectation that staff based at Bonnyton House would not be redeployed at any other facilities owned by the new provider and emphasised the importance of TU recognition to protect rights. The Head of Health and Community Care clarified that when the way forward had been determined by the Cabinet shortly, the TUs would be involved in detailed discussions on issues such as protecting the rights of staff. He also referred to the potential to expand the facility and the expectation that the new employer would not wish to lose valuable staff.

Mr Lees referred to the importance of communication, inconsistent information on the sale and future of Bonnyton House to staff and residents which had caused stress amongst some staff on their future and the value of establishing a future timetable of staff meetings to ensure the TUs could attend. The Head of Health and Community Care commented that any inconsistency had not been intentional and that he anticipated that a meeting timetable could be provided after the Cabinet meeting. Having heard Mr Lynch add that this would help with future planning and address concerns about information being provided on a piecemeal basis, the Head of Health and Community Care reiterated that efforts had been made to keep employees up to date, referring to various meetings convened whilst acknowledging the need to address concerns held about the current approach.

The committee, having heard Councillor Fletcher acknowledge the sensitivities attached to the sale of Bonnyton House and refer to the importance the Council attached to the best outcome for staff and residents, noted:-

- (a) that the Head of Health and Community Care would provide a written briefing for staff, including future meeting dates, as soon as possible following the submission of the report on Bonnyton House to the Cabinet in the near future; and
- (b) otherwise, the position and comments made.

## **HEALTH AND SAFETY COMMITTEE**

5. The committee considered the Minute of the meeting of the Council's Health and Safety Committee held on 27 April 2016.

In reply to Councillor McCaskill who highlighted reference within the Minute to incidents of violence towards staff based in the Education Department, related information provided to a recent meeting of the Education Committee including on incidents associated with those with additional support needs and related issues, the Head of Environment (Housing and Property Services) undertook to seek and provide further clarification to Councillor McCaskill after the meeting on levels of violence in that department compared to others. Councillor Fletcher referred to the value of inclusion in education, but also the importance of staff welfare.

The committee noted:-

- (a) that the Head of Environment (Housing and Property Services) would provide further clarification on the issues raised by Councillor McCaskill after the meeting; and
- (b) otherwise, the Minute.

**DATE OF NEXT MEETING**

6. The committee noted that the next meeting was scheduled to take place on Thursday, 19 January 2017.

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