

CONSTITUTION COMMITTEE 8 MARCH 2007**REPORT OF THE CHIEF EXECUTIVE****PROPOSED AMENDMENTS TO THE CONSTITUTION –
EMPLOYMENT RELATED MATTERS****Purpose**

1. The purpose of this report is to recommend changes to the Constitution in respect of proposed new arrangements for elected member involvement in disputes between trade unions and management and proposed changes to the officer Employment Procedure Rules.

Background**Elected Members Involvement in Employment Disputes**

2. Since the introduction of the current decision making structure the County Council has not had any formal arrangements in place for involving elected members in the resolution of disputes between management and trade unions on any issue.
3. Prior to the current decision making structure the Central Joint Committee considered disputes in relation to what are now Local Government Services employees. Officers and unions attended to present their written reports/cases to a group of eight members (all-party). The Committee was chaired by the Chairman of the Council and decisions were subject to ratification by the appropriate main committee (ie variously over time Personnel Committee, Resources Committee etc) but rejection by those Committees was exceptional. There was an equivalent arrangement – Joint Negotiating Committee – for teachers.
4. Proposed new arrangements put forward under the previous leadership were not acceptable to the trade unions and, since that time, discussions have continued in order to identify a mutually acceptable arrangement. This has now been achieved, the proposal below having been agreed with the Local Government Services and Teacher trade unions.
5. Under the Council's Constitution the Employment Committee is responsible for determining the terms and conditions on which staff hold office, including disciplinary and grievance procedures, and for making effective arrangements to ensure compliance with employment

legislation/codes of practice. Most disputes are likely to concern these issues but may concern other decisions which are the responsibility of the Cabinet.

6. The proposal is to constitute a stand-alone member panel to hear 'appeals' from trade unions when negotiations at officer level have failed to reach agreement. The panel would be politically balanced – currently 3-1-1 – and should include both Cabinet and Employment Committee members. The panel, which would be serviced by Committee staff, would receive oral representations from unions and management (following written submissions) and then make recommendations to Employment Committee or Cabinet (or both) as appropriate, depending within the scope of which body the issue falls as indicated above.
7. The panel would be a formal body and as such added to the list of panels set out in Section E of Part 3 of the County Council's Constitution (Responsibilities for Functions).
8. These arrangements have been discussed by and have the support of all three Group Leaders and were approved at the meeting of the Employment Committee on 22 February, 2007.

Officer Employment Procedure Rules

9. The Officer Employment Procedure Rules currently follow the text recommended in the Modular Constitution produced by the Government in the light of the Local Government Act 2000. They need to be amended to take account of the Local Authority (Standing Orders) (England) Regulations 2001 which have been reflected in the procedure attached to the Rules but which now also need to be included in the Rules themselves. They also need to be amended to make provision for the appointment of political assistants in the light of the County Council's decision at the budget meeting held on 21 February 2007 which made financial provision for such appointments.

Equal Opportunities Implications

10. None.

Recommendations

11. That the County Council be recommended:-
 - (a) to add the following to the list of panels contained in Section E of Part 3 of the Constitution concerning Responsibility for Functions:-
 - “(m) Disputes Panel: to consider oral representations from unions and management when negotiations at officer level have failed to reach agreement (following written submissions) and

to make recommendations to the Employment Committee or Cabinet, or both, as appropriate.”

- (b) To adopt the revised Officer Employment Procedure Rules (Part 4H of the Constitution) as set out in the Appendix to this report.

Background Papers

Report of the Chief Executive to the Employment Committee on 22nd February 2007 regarding Elected Member involvement in Employment Disputes.

Circulation Under Sensitive Issues Procedure

None.

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