

ABERDEEN CITY COUNCIL

COMMITTEE	Staff Governance
DATE	4 May 2018
REPORT TITLE	Trade Union Consultation Protocol
REPORT NUMBER	RES/18/009
DIRECTOR	Steve Whyte
CHIEF OFFICER	Morven Spalding
REPORT AUTHOR	Keith Tennant
TERMS OF REFERENCE	Purpose of Committee 1 Remit of Committee 1 (1.1)

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to refer a request of the Local Government Employees Joint Consultative Committee to the Staff Governance Committee concerning a consultation issue raised by the trades unions and to ask Committee to instruct the interim Head of HR to re-communicate the existing Trade Union Consultation Protocol.

2. RECOMMENDATION

- 2.1 That the Committee instruct the interim Head of HR to re-communicate the existing Trade Union Consultation Protocol to Council managers (and the recognised trades unions) and request that this is applied in respect of consultations with the unions going forward, (which would include attaching trade union consultation responses to Committee reports at the request of the unions).

3. BACKGROUND

- 3.1 At the Local Government Employees Joint Consultative Committee on 20 February 2018 an issue was raised concerning the EIS response to the 2nd Tier Target Operating Model (TOM) consultation process. The item was submitted by the EIS with the details covered in paragraphs 3.2 to 3.5 below.
- 3.2 The trade unions had been invited to submit a written consultation about the TOM Tier 2 proposals. The EIS had submitted their response and received a written reply from the Chief Executive.
- 3.3 The EIS had understood that their response was to be included in the papers for the full Council meeting to debate the proposals. The Council papers had a statement which indicated that all written responses were attached.

- 3.4 The EIS stated that they had attempted to access the paper and to view other submissions but these did not appear to be present. There had been a summary that used some of the points that were raised from the written submission. They indicated that the contents of the summary were not discussed or agreed with them.
- 3.3 They also stated that they had attempted to find out why their response was not attached but had not received a satisfactory explanation as to why elected members did not have the full EIS response.
- 3.4 The EIS indicated that the purpose of tabling the item at the Joint Consultative Committee was to raise trade union concerns that their consultation responses were not made available to Councillors.
- 3.5 The EIS stated their view that that there should be an open discussion to consider future protocol to ensure that trade union views on a consultation are made available to elected members. They added that without such a protocol and in light of their experience, it would leave the trades unions in the position of having to make their views known directly to each Councillor.
- 3.6 In response at the Joint Consultative Committee, the management representative had indicated that it was regretted that the EIS felt aggrieved and explained that the stakeholder consultation responses from agencies, partners, trade unions and staff had been voluminous and that by summarising responses and providing officer commentary within the report, a consistent approach had been taken across all submissions.
- 3.7 It had also been explained that there had been synergies between the responses from trade unions, in particular, and therefore common issues had been drawn together and presented in a summarised form in the already lengthy report submitted to full Council. It was indicated that going forward; full consultation responses would be included with reports being submitted to members for consideration.
- 3.8 The Joint Consultative Committee had resolved to request the Staff Governance Committee to consider the development of an agreed process/protocol for the handling of trade union responses to consultation.
- 3.9 The Staff Governance Committee should be aware, however, that there is already a written Trade Union Consultation Protocol and that this has existed for a number of years (see document attached to this report).
- 3.10 The Protocol was originally developed to make sure that the Council had an organisational-wide consultation framework and set of principles in place as part of its transparent and open way of working.
- 3.11 It sets out how the Council will consult with the trades unions and what it will consult on. It applies to consultations with all recognised unions and was developed in consultation with them to ensure consistency of approach. It does indicate that where the trades unions disagree with final proposals and wish to provide written comments, these comments should be appended to

the relevant report.

- 3.12 In light of the above and the fact that a consultation protocol already exists (which covers the point raised by the EIS at the Joint Consultative Committee), the recommendation in this report is for the Consultation Protocol to be re-communicated to managers (and the recognised trades unions) to remind relevant parties of its existence and of the need for it to be applied in respect of consultations with the unions going forward.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising from the recommendations of this report.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the recommendations of this report.

6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	None	N/A	N/A
Legal	None	N/A	N/A
Employee	If the recommendation were not approved the possibility could arise of a trade union concern (that had been raised through a consultation) not being fully taken account of by a Council Committee before a decision were taken on a proposal. This could potentially have a negative implication for employees depending on the nature of the concern.	Low	The recommendation in this report of re-communicating the Protocol should help to ensure that this risk is controlled.
Customer	None	N/A	N/A
Environment	None	N/A	N/A

Technology	None	N/A	N/A
Reputational	None	N/A	N/A

7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous Economy	N/A
Prosperous People	N/A
Prosperous Place	N/A
Enabling Technology	N/A

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	N/A
Organisational Design	N/A
Governance	This report links to the 'Governance' design principle in that the Consultation Protocol exists to help ensure that there is effective partnership working arrangements in place with the recognised trades unions.
Workforce	It also links to the 'Workforce' design principle in that the Consultation Protocol promotes a transparent and open way of working with the unions so that any employment issues raised, that affect the workforce, are properly considered.
Process Design	N/A
Technology	N/A
Partnerships and Alliances	N/A

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Not required
Privacy Impact Assessment	Not required
Children's Rights Impact Assessment/Duty of Due Regard	Not required

9. BACKGROUND PAPERS

- 9.1 The minute extract of the Local Government Employees Joint Consultative Committee of 20 February 2018.

10. APPENDICES (if applicable)

- 10.1 Appendix 1 – Consultation Protocol

11. REPORT AUTHOR CONTACT DETAILS

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