



# ABERDEEN

## CITY COUNCIL

# CONSULTATION PROTOCOL

Issue 5 - April 2013

## **CONTENTS**

- 1. Introduction**
- 2. What is consultation?**
- 3. When to consult**
- 4. How long to consult for**
- 5. Who consults**
- 6. How to consult – 3 step process**
  - Step 1 – Triggering consultation**
  - Step 2 – Responding to feedback**
  - Step 3 – Implementing the proposals**
- 7. Overview of consultation process**

## 1. Introduction

As an organisation that is committed to continually improving its performance, its services to its customers and its decision making, we recognise that our success depends on our commitment to professional, timely and meaningful consultation with our recognised trades unions, as one of our key stakeholders.

Effective consultation is at the heart of smart decision-making and strengthens the relationship between the organisation and its trades unions.

This protocol has been developed to make sure that the Council has an organisation-wide consultation framework and set of principles in place as part of its transparent and open way of working. It sets out how we will consult and what we will consult on. It applies to consultations with all recognised trades unions at both a Service and Corporate level and has been developed in consultation with all recognised trades unions to ensure consistency of approach.

This protocol is designed to complement and amplify (not replace) the consultation requirements set out in the Framework Agreement for Industrial Relations.

## 2. What is consultation?

Consultation is a 2-way dialogue that allows the trades unions a realistic and timely opportunity to influence decision-making. It may be a one-off exercise or extend over a period of time.

It involves managers

- actively seeking out the views and ideas of trades unions and then taking these views into consideration **before** decisions are made
- providing sufficient information and time to trades unions to enable them to consider the proposals; discuss the proposals and implications with their members; submit their response with suggested alternatives to any of the proposed changes; and receive feedback on their response including carefully explained reasons where views are rejected.

On the basis that some decisions are likely to lead to significant changes in the way we organise, deliver and provide services to our customers, there is a **legal requirement** that consultation in such instances should be carried out “with a view to reaching agreement”. However, consultation does not remove the right of managers to manage – they still must make the final decisions

which may result in not acting on some of the views received where there may be sound and practical reasons for not doing so.

When consulting:

- our communications will be clear, simple and consistent;
- we will be open, honest and factual
- we will use face-to-face communication as much as possible
- we will avoid information overload
- we will listen and act on feedback
- our communications will be timely and relevant

### 3. When to consult

Consultation will take place with the trades unions when:

- they have a legal entitlement to be consulted
- they can reasonably expect to be consulted because the proposals and policies under consideration would have a significant impact on them and the workforce they represent

While it is not possible to provide a comprehensive list of subjects for consultation, the following gives examples of subjects that are appropriate for consultation:

- reviewing terms and conditions of employment
- new ways of working
- organisational restructuring (including job matching and creation/deletion of posts)
- reductions in the workforce
- staff relocation
- shared services with external partners
- business transfers

These issues may often result in the presentation of a business case or report to CMT and the relevant committee after consultation has been completed.

### 4. How long to consult for

Consultation will normally allow **a minimum of two weeks** for responses, except where statutory requirements prescribe a set or minimum period that exceeds this (e.g. redundancy consultation – see ***Managing Redundancy Policy***)

By agreement, the consultation timescale may be shorter where there is an urgent business need, or extended in cases where the subject matter is so significant the trades unions in terms of formulating a full response, would

benefit from a longer period to discuss the proposals and implications with their members.

When consulting with all trade unions, due regard will be given to school holiday periods that fall within the consultation period and the consultation period will be adjusted to take account of the school holidays.

Any variation to the normal two week consultation timescale would only apply where there are exceptional circumstances and would be applied in the interests of maintaining effective partnership working and the mutual trust that implies.

## **5. Who consults**

An appropriate manager from the Service concerned will lead the consultation process.

For corporate issues affecting all Council employees, the lead officer is likely to be the Head of Human Resources and Organisational Development, or one of his/her representatives. For example, consultation on new or reviewed HR policies and procedures.

## **6. How to consult**

The 3 keys steps for effective consultation are as follows:

**Step 1: Triggering consultation**

**Step 2: Responding to feedback**

**Step 3: Implementing the proposals**

### **Step 1 – Triggering consultation**

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**Lead officer prepares a written consultation document setting out the purpose, the proposals and any background and issues to the trades unions with representation rights in the area of the service affected.**

This document should include:

- the reasons for the proposals (i.e. the business case). For example, how the proposals will help to improve service performance and delivery or support corporate objectives
- financial implications (e.g. how proposals are to be funded)
- the staffing implications (e.g. training, changes to working practices including any new ways of working, impact on size of the workforce)
- health and safety considerations, including risk management

- any initial feedback from staff or local shop stewards where "sounding out" discussions have taken place (see "Notes" below)
- an outline of any other options that were considered
- a request for written views on the proposals with the consultation start and end dates clearly stated (see Section 4 for timescales). An email and/or online response should be provided
- how it is proposed to take the proposals (with any amendments following consultation) forward (e.g. reporting to Committee). This could include an indicative timetable

### **Step 1 Notes**

**Before commencing the consultation process, it is good practice for managers, through team meetings or workshops, to gather some initial thoughts and ideas from local shop stewards and the workforce whose employment is likely to be affected by proposals. This 'testing of the water' could include gathering initial feedback from officers from HR/legal/finance and other relevant managers in the organisation.**

**This may extend to Elected Members or external partners if they are likely to be affected by the proposals.**

**The Corporate and Service Union Management Committees can also be useful forums for this purpose.**

**This does not however constitute 'formal' consultation and count towards the required period for consultation**

**If electing to start the process by informing trades unions of the proposals face to face, the proposals should then be provided in writing as quickly as possible thereafter**

**The Lead Officer should keep a record of when the consultation process commenced and communication with the trades unions. The consultation period ends upon the expiry of that 14 day period unless a variation is agreed**

## **Step 2 – Responding to feedback**

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### **Lead Officer considers and responds to feedback**

This includes:

- arranging, if necessary, any follow up meetings with the trades unions to respond to the issues raised

- responding in writing or by email, including an explanation as to why any comments are not going to be acted upon

### **Step 3 – Implementing the proposals**

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**Lead Officer prepares and submits business case/report (where a business case/report is required for implementation purposes)**

This includes:

- seeking approval for proposals from Service Director after completion of consultation period, taking into account all the information gathered, views expressed and feedback received during consultation
- writing business case/report and submitting it to SMT, CMT or Committee (whichever is appropriate) for approval
- summarising in the business case/report trades unions response/reaction to proposals and the reasons why any alternative proposals have been rejected. Where the trades unions disagree with the final proposals and wish to provide written comments, these comments should be appended.
- If committee approval is required, arrange for business case/report to be placed on next available committee agenda and ensure that it is submitted to Democratic Services by the specified deadline
- at the request of a trades union, attaching to the report their written comments if they disagree with the proposals.

#### **Step 3 Notes**

**Business cases that include proposals which amend or increase the agreed establishment will require Committee approval. This equally applies to reports that propose creating a new policy, or significant amendments to an existing policy. However, reports that propose "refinements" to existing policies will be dealt with at CMT level without the need for committee approval**

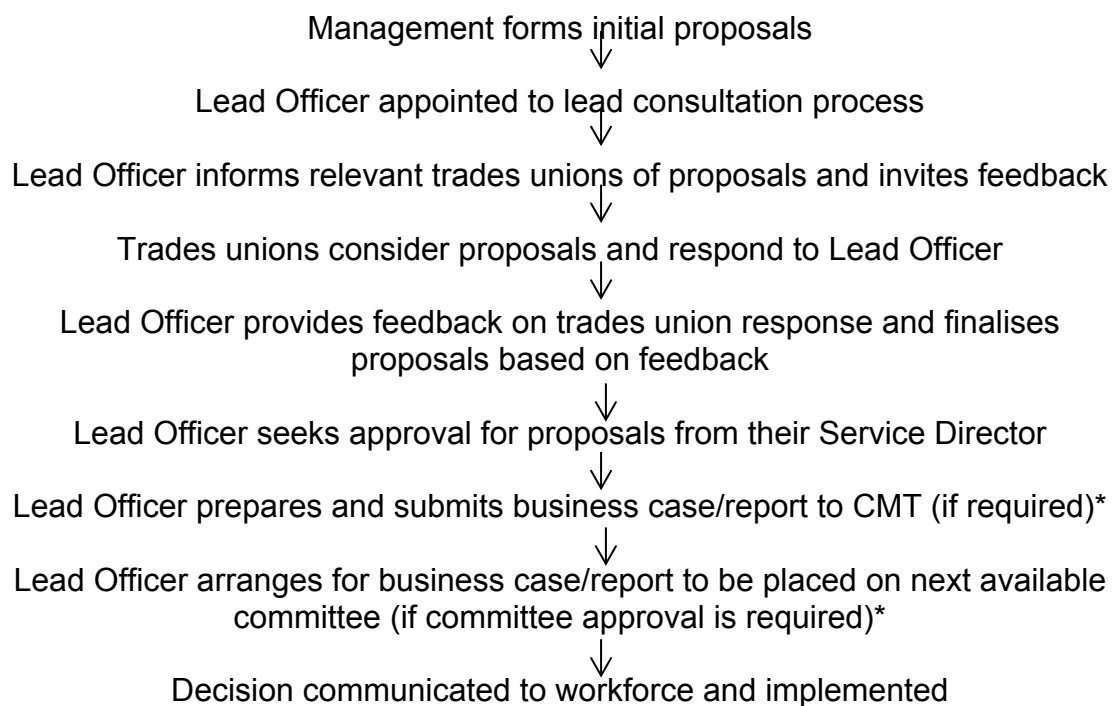
**For local arrangements affecting teachers conditions of employment, these need to be agreed by the Local Negotiating Committee for Teachers (LNCT) before they can be presented to the Policy and Strategy Committee (Education) for approval**

**When targeting the Committee at which to present proposals, cognisance will be taken of**

**- the time required to consult trades unions and the workforce, which needs to be concluded before a business case or report is prepared for committee**

- the need to seek agreement of the proposals at the Local Negotiating Committee for Teachers (LNCT) where they affect teachers conditions of employment
- the date of the "pre-agenda" meeting with Elected Members
- the deadline for submitting papers to Democratic Services (by which time all of the above must have been completed)

## 7. Overview of Consultation Process



\*LNCT agreement will firstly be necessary for local arrangements affecting teachers' conditions of employment