

Time commenced : 10.50 am  
Time Finished : 11.30 am

## CORPORATE JOINT COMMITTEE 4 DECEMBER 2003

Present: **Employer's Side**

Councillor M Carr (in the Chair)  
Mr R Cowlshaw (Chief Executive)  
Mr D Parnham (Policy Officer - Education, Corporate Personnel)  
Ms J Stone (Head of Service - Education Personnel)  
Mrs K Taylor (Members Services Officer)

**Trade Unions' Side**

Mr S Fogell (UNISON)  
Ms M Greenshields (UNISON)  
Mr R Harrison (AEEU)  
Mr S Harrison (UCATT)  
Ms A Howitt (UNISON)  
Mr I Jennison (NUT)  
Mr R Morgan (GMB)  
Mr M O'Neill (NATFHE)  
Ms K Parker (UNISON)  
Mr M Perry (NASUWT)  
Mr N Pheasant (UNISON)  
Mr B Seagrave (UNISON)  
Mr T Tokarski (NASUWT)  
Mr A Franik (UNISON)

Apologies: Ms Brenda Daniel  
Mr R Heath (UNISON)  
Mr Miles Thomas (UNISON)  
Mr D Wilkinson (NASUWT)

### 35/03 Late Items Introduced by the Chair

There were no late items.

### 36/03 Minutes Of The Meeting Held On 25 September 2003

The minutes of the meeting held on 25 September 2003 were agreed as a true record and signed by the Chair subject to the following amendments:

That the third paragraph of Minute Number 22/03 should read:

Moz Greenshields emphasised that the Trade Unions would be opposed to any early transfer of staff through an interim service agreement.

That Minute Number 30/03 should read:

This item was withdrawn by the Trade Unions' Side on the basis that the closure proposals had been withdrawn from the Early Years Strategy consultation at Council Cabinet on 5 August 2003.

That Minute Number 31/03 should read:

This item was withdrawn by the Trade Unions' Side on the basis that consultation on a revised document was ongoing.

### 37/03 Matters Arising

#### 1. **'Busy Bees' Voucher Scheme (Minute No: 16/03 refers)**

Simon Fogell asked for an update on this item, which was raised as a late item at the last meeting of the Committee.

Dave Parnham responded that Barbara Rusk was in discussion with the Conditions of Service Working Party and that not all the issues had been resolved, but that the issue remained a high priority.

#### 2. **Early Years Strategy (Minute No: 21/03 refers)**

Moz Greenshields requested an update on the re-assurance that was given to the Trade Unions at the last meeting of the Committee that all their issues in relation to the Early Years Strategy would be taken into consideration and thoroughly debated.

Dave Parnham reported that Andrew Flack, Director of Education, had reassured those present at Education Joint Consultative Committee that the proposals were a draft plan only. Andrew acknowledged that a number of issues needed looking at in greater detail and that when funding had been approved, that the issues of concern would be pursued.

Dave Parnham reported that Lesley Whitney had produced a report of the responses to the consultation, which drew out the main themes.

Councillor Carr commented that it was still the Committee's intention to take the Trade Unions' concerns into consideration as and when it would be necessary.

Ray Cowlshaw assured those present that it was not the practice of the Council to enforce changes upon people and gave his assurance that consultation would take place on any proposed changes.

### **3. Improvement of Street Lighting in Derby (Minute No 23/03 refers)**

Moz Greenshields confirmed that Lesley Sumner would be the Trade Union representative involved in the implementation of the Street Lighting in Derby Private Finance Initiative - PFI project.

**Resolved to note the representative for the PFI board.**

## **Employer's Side Items**

### **38/03 Managing Allegations and Concerns about Education Service Employees**

The Committee received a joint report from the Directors of Policy and Education, setting out guidelines for heads when managing allegations and concerns about education service employees. At the last meeting of the Committee a number of areas of concern were raised by the NASUWT and the non-teaching unions which had now been incorporated into the document and the report sought the approval of the procedure and its immediate application to any cases that may arise in schools.

Moz Greenshields commented that she was not in a position to fully endorse the document on behalf of her members but was aware that UNISON was the only union in that position and asked that their agreement be given in principle.

Dave Parnham said that this agreement in principle would permit the document to be sent to schools.

**Resolved to approve the procedure and apply it immediately to any cases that may arise in schools.**

### 39/03 Group Schools PFI Bid

Mike Melliush, Project Manager PFI, presented an oral update of the Group Schools PFI Bid. He reported that the bid was due to be submitted to the Council on 12 December 2003 and that they would be evaluated for technical, legal and financial implications. He stated that the Trade Unions would have an input into this process. He reported that the Council would appoint a bidder by March 2004, which would mark the start of two to three months of intense negotiations with the preferred bidder. He reported that the first building phase would be completed by 2005 and the second phase by 2006.

Since the last meeting of the Committee six separate meetings had been arranged, two meetings with each of three bidders to explore personnel issues. It was found that Health and Safety was of particular importance at the meetings and subsequently a second meeting was organised to look at the issues more closely. Mike commented that the meetings appeared to go well and he understood that if more meetings were required by the Trade Unions and the bidders that there would be no issue with organising them.

Councillor Carr commented that he had received positive feedback from the meetings from Councillor Les Allen, the Cabinet Member for Lifelong Learning.

Moz Greenshields wished to endorse the meetings and commented that she and her members looked forward to further input in the future.

### 40/03 Constitutions for Departmental Joint Consultative Committees

Dave Parnham presented a report, which set out the model constitution for all departmental Joint Consultative Committees.

At the last meeting of the Committee the Trade Unions' side unanimously rejected the proposed changes to departments Joint Consultative Committee - JCC constitutions and specifically asked for the following provisions to be included in all JCC constitutions:

- a position of Chair
- a position of Vice-Chair
- that both positions rotate on an annual basis between

management and trade union sides.

A copy of the Constitution for the Chief Executive's Department JCC was attached to the report and paragraph 5.1, 5.2, 5.3 and 8.1 had been amended to reflect these changes.

**Resolved to:**

- 1 amend departmental JCC constitutions as highlighted in the report**
- 2 appoint a Chair and Vice Chair at the next meeting, if this had not already been done**
- 3 Appoint Chief Officers as Chair for the remainder of 2003/04 Municipal Year and the Trade Unions to appoint Vice Chairs**
- 4 Rotate the position of Chair between the management and Trade Unions' side. This was to be agreed at the first meeting in year municipal year, unless agreed otherwise**
- 5 the Vice Chair to Chair the meeting in the absence of the Chair, unless agreed otherwise.**

#### **41/03 Christmas and Other Bank Holiday Closure Agreement 2004/05**

The Committee received a report of the Director of Policy which advised the Committee of the proposed arrangements for the closure of offices and services for Christmas and other Bank Holidays for the leave year 2004/05.

At the meeting of the Corporate Joint Committee on 6 December 2001, the Trade Unions accepted that for future years, a concessionary half-day closure would apply only to Christmas Eve and only when this would otherwise have been a normal working day. Therefore the proposed Christmas and New Year Closure dates for 2004/05 were listed in the report.

Simon Fogell commented that there had been some confusion with the publication of arrangements in Gold Rush as some employees in certain departments were not entitled to all of the extra statutory and concessionary days which were being allocated.

Ray Cowlshaw agreed that the matter needed to be addressed and that the Gold Rush should not cause confusion. He was not in favour of producing two documents but that the Gold Rush article should be looked at and should emphasise that there may be local differences in holiday entitlements.

## 42/03 Rolled Up Holiday Pay

The Committee considered a report from the Director of Policy setting out the position that the Council had adopted in light of the current legal position concerning 'rolled up' holiday pay. Dave Parnham drew the Committee's attention to a paragraph in the report which stated that there had been a number of court cases challenging whether the regulations allow only for leave and pay to be taken at the same time. The report cited a case of *Caufield v Marshalls Clay Products Ltd* in July 2003, at which time the EAT took the view that the Scottish decision in *Monroe* – that holidays should be paid as and when holiday was taken – was persuasive but not binding. They held that the Marshalls case did not breach the regulations, providing the following conditions were met:

- the rolled up holiday pay must be clearly incorporated into the individual contract of employment and thus expressly agreed
- the allocation of the percentage or amount to holiday pay must be clearly identified in the contract and preferably also in the payslip
- it must amount to a true addition to the contractual rate of pay
- records of holidays taken must be kept
- reasonably practical steps must be taken to require the workers to take their holidays before the expiry of the relevant holiday year.
- these conditions were met by the Council's procedure.

**Resolved to note the report that the Council intended to continue with its practice on rolled up holiday pay.**

## 43/03 Redeployment Cases

The Committee received a report of the Director of Policy, which gave an update of the redeployment cases for the period 22 August to 20 November 2003.

Simon Fogell commented that he was concerned that Social Services had seen an increase in the percentage of medical cases on redeployment and wondered whether this was worthy of investigation and reporting back to the next meeting of the Committee.

**Resolved to investigate the issue further and report back to the next meeting.**

## 44/03 Proposed Dates for Meetings in 2004/05

A list of the proposed dates for meetings of the Corporate Safety Committee and the Corporate Joint Committee were listed in the

report. It was also noted that there was a special budgetary meeting scheduled to take place on 22 January 2004.

## Trade Unions' Side Items

### 45/03 Closure of High View School

Mike Perry reported that NASUWT were opposed to redundancies or the worsening of pay and conditions of teachers. A meeting had taken place on 1 December 2003 when the union had stated it would not support the process unless there were guarantees concerning the protection of members' jobs and salaries.

Ian Jennison reported that an NUT delegation had met with Councillor Les Allen and Simon Longley. During the meeting the Authority acknowledged that the process had not been helpful. In particular there had been very short notice given for a meeting of staff. An apology had been received.

Ray Cowlshaw commented that this was the first time the Council had had to take such action and that there were many lessons that needed to be learnt.

Moz Greenshields raised issues related to non-teaching staff and that she was waiting for a response from the Director of Education on issues which included the interim governing body for the school and non teaching staff. She sought clarification that personnel advice was to be given to existing staff by an external company.

Jayne Stone responded that the Department for Education and Skills would fund dedicated personnel support from a private consultancy to deal with issues related to High View School. She also confirmed that this would not affect Commercial Services.

### 46/03 Parking At Chapel Street

Simon Fogell asked for an update on what provision would be made for staff using the Chapel Street car park once the new barriers began to operate.

Dave Parnham reported that the programme was expected to 'go live' the week beginning 19 January 2004. During the week commencing 8 December 2003 attendants would be at the car park between 7 and 10am handing out leaflets for Chapel Street car park users to complete which would ask them for details of whether they used Chapel Street or Drewry Lane or a combination of both. Those people who used Chapel Street would be provided with a pass and information on how to use it. He reported that if the exercise did not reach everybody that there would be signs in Chapel Street with information on how to obtain a pass.

Simon Fogell asked what the implication would be for Gold Badge users.

Ray Cowlshaw responded that this would need to be investigated and reported back to the next meeting of the Committee.

MINUTES END