

## ***Report to the Cabinet***

**Report reference:** C-060-2014/15  
**Date of meeting:** 2 February 2015



**Epping Forest  
District Council**

**Portfolio:** Technology and Support Services  
**Subject:** Review of the Terms of Reference - Joint Consultative Committee  
**Responsible Officer:** Paula Maginnis (01992 564536).  
**Democratic Services:** Gary Woodhall (01992 564470).

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### **Recommendations/Decisions Required:**

**(1) That Cabinet recommends to Council the proposed amended Terms of Reference for the Joint Consultative Committee, subject to any comments or amendments.**

### **Executive Summary:**

The Council's Management Board acknowledged that the Terms of Reference for the Joint Consultative Committee (JCC) had not been reviewed for a considerable time and agreed that a review should take place.

In most local authorities there will be a committee which provides a forum for the Council to formally discuss issues with recognised trade unions.

A report submitted to Management Board in 2012 identified that there was a perception that non-union members were not represented by the attendees at the JCC. Whilst this is technically correct as the trade unions are not required to represent non trade union members, it is worth noting that;

- the trade union representatives who attend the Committee have to be employees of the Council;
- there are 9 trade union representatives from a range of service areas who between them are likely to hold a range of views similar to employees who are not trade union representatives; and
- all representatives whether staff or Council representatives are permitted to share their views with the Committee and do so.

Work is progressing on internal staff communications and this could be an opportunity to consider staff participation in a range of policy development from across the Council.

A new responsibility has been included into the Terms of Reference for the Lead Officer to communicate the outcome of the JCC meetings to all staff via District Lines or equivalent.

The JCC was consulted on the amendments to the Terms of Reference at its July meeting, which were agreed as set out in the report.

The Constitution and Member Services Scrutiny Panel was also consulted at its November

meeting which agreed the amendments subject to a change to paragraph 3 (e).

The proposed Terms of Reference can be found at Appendix 1.

### **Reasons for Proposed Decision:**

Following a report to Management Board in December 2012 'Existing Arrangements for Employee Engagement', it was acknowledged that the Terms of Reference for the JCC had not been reviewed for a considerable period of time. Management Board agreed that a review of the JCC should take place.

### **Other Options for Action:**

The current Terms of Reference could be retained, however, they have become dated and do not include the correct information regarding current processes.

### **Report:**

#### Background

1. Following a report to Management Board in December 2012 'Existing Arrangements for Employee Engagement', by the Council's Performance Improvement Unit (PIU) it was acknowledged that the Terms of Reference for the Joint Consultative Committee (JCC) had not been reviewed for a considerable period of time. Management Board agreed that a review of the JCC should take place.

2. In local government it is usual to have a forum whereby the Council formally discusses issues with the recognised trade unions in line with the representation at a regional level. In the Council's case this relates to the East of England Local Government Association Regional Council.

3. The JCC is the Council's forum whereby these discussions take place between the trade unions and the members. The Committee is consulted with, informed about and has discussions on a range of employee matters. However, employment matters concerning an individual are not within the scope of the Committee.

#### Representation

4. One of the main issues identified within the PIU report was the perception that non-union members were not represented by the attendees at the JCC. Whilst this is technically correct as the trade unions are not required to represent non trade union members, it is worth noting that:

- the trade union representatives who attend the Committee have to be employees of the Council;
- there are 9 trade union representatives from a range of service areas who between them are likely to hold a range of views similar to employees who are not trade union representatives; and
- all representatives whether staff or member representatives are permitted to share their views with the Committee and do so.

5. Other work is progressing outside the review of the JCC Terms of Reference, regarding internal staff communications. There will be an opportunity to consider staff participation in a range of policy development areas or Council initiatives across the Council which may not relate to employment matters.

6. The Council has been successful in appointing a graduate under the National Graduate Development Programme and the Council's Management Board has agreed that they carry out a review of staff communications/engagement during their placement. As part of the review they will draft and develop an Employee Engagement Strategy. This will include the relevant issues raised in the PIU report.

7. Currently, the Lead Officer (currently the Assistant Director (HR)) for the JCC is in a position to be able to take forward the views of employees, (either trade union members or non-members) and present them to the Committee. In addition, there has been a specific responsibility added to the Terms of Reference for them to inform staff of the outcome of the Committee meetings via District Lines (or other staff newsletter).

8. Members may wish to note that staff do have access to the JCC agenda in advance of the meeting through the 'modern gov.' system. If staff wish to comment on any issue raised they can do so through their line manager or the Lead Officer for the Committee.

### Process

9. As the Committee is not a public meeting the rules regarding notice periods for meetings and any other business do not apply. However, the proposed Terms are consistent with the Council's usual processes and give at least 5 working days' notice of a meeting. As long as any item for any other business is agreed by all the parties, it can be accepted.

### Joint Consultative Committee

10. This report was submitted to the JCC at its meeting in July 2014 who agreed to recommend the proposed amendments.

### Constitution and Member Services Scrutiny Panel

11. This report was submitted to the Constitution and Member Services Scrutiny Panel in November 2014 who agreed to recommend the proposed amendments subject to a change to paragraph 3 (e). In line with other arrangements for Panels there is not a restriction on the number of substitute members. This will apply to both the trade union and member representatives.

12. The amended Terms of Reference for the JCC are at Appendix 1 for consideration.

### **Resource Implications:**

There are no resource implications.

### **Legal and Governance Implications:**

The Constitution of the Committee is reviewed and updated.

### **Safer, Cleaner and Greener Implications:**

N/A.

### **Consultation Undertaken:**

Both the Joint Consultative Committee and the Constitution and Members Services Scrutiny Panel were consulted.

**Background Papers:**

N/A

**Risk Management:**

A review of the Committee's Terms of Reference ensures that they are kept up-to-date and all members of the Committee are aware of how it should work.

# Due Regard Record

This page shows **which groups of people are affected** by the subject of this report. It sets out **how they are affected** and how any **unlawful discrimination** they experience can be eliminated. It also includes information about how **access to the service(s)** subject to this report can be improved for the different groups of people; and how they can be assisted to **understand each other better** as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

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The report recommends an amendment to the Constitution which is an administrative process. No groups of people are affected by this report in terms of S149 of the Equality Act 2010.