

CONSULTATION PROCESS

Steps to be taken by Management

1. Initial idea formulated and discussed within Corporate Management Team.
2. Discuss implications with the East Kent HR Partnership (EKHRP).
3. Discuss with the appropriate Portfolio Members, if appropriate.
4. Informal consultation with the Trade Union local representatives i.e. Secretary/Chairperson. At this stage the Union Representatives are unable to discuss the proposals with third parties.
5. The appropriate Head of Service develops a draft report which is placed before Corporate Management Team.
6. Start of formal consultation with Union and Staff and issue of formal letter to Unions by Head of Paid Service.
7. Report consultation findings to Corporate Management Team.
8. Advise the Portfolio Member for staffing and other Portfolio Members, if appropriate.
9. Decision made by Head of Paid Service, or if further decision is required, the report will be submitted to General Purposes Committee.
10. Implementation of proposals.

Note:

- (i) Minimum timescales, as identified in the following table, must elapse between stages 6 and 8. For the purposes of this process “change” is taken to indicate substantial amendment to conditions of service or working methods which require formal Approval ahead of implementation.

MINIMUM PERIODS FOR CONSULTATION	
Extent of change	Minimum period of consultation
No redundancies and change limited to one Division	10 working days
No redundancies but change across two or more Divisions	15 working days
Redundancies limited to one Division	20 working days
Redundancies across two or more Divisions	28 working days

- (ii) In special circumstances, and after consultation with the Trade Unions and the appropriate Portfolio Members, the Head of Paid Service, statutory officers, or Head of EKHRP are empowered to reduce the minimum time constraints. At no time is the minimum time to be less than 10 working days.

TRADE UNION FACILITIES AGREEMENT

1. GENERAL

The Council recognises that active Trade Union involvement in the life of the Authority is beneficial to the well-being of employees and the organisation. The Council encourages employees to join and take an active part in the work of recognised Trades Unions. This document outlines the facilities granted by the Council to the recognised Trades Unions and their representatives and establishes principles that should enable management to maintain services whilst meeting the needs of the Trades Unions to represent their membership.

2. DEFINITIONS

For the purpose of this facilities agreement the following definitions shall apply:

Steward Elected by the Union Membership in accordance with the rules of the Union and recognised by the Council in accordance with this agreement.

Officer of the Union Steward elected to a formal Branch position (i.e. Treasurer).

Senior Local Official A Steward elected as co-ordinator of Union activities for a specified Trade Union. Not necessarily a steward with a constituency.

Full-time Official Employee of the Trade Union, usually a District Officer or similar

3. NUMBER AND CONSTITUENCIES OF UNION STEWARDS

The Trade Union shall agree, with the Head of Paid Service, the size, extent and location of constituencies so as to ensure adequate representation for union members. Officers of the Union will be elected from Stewards elected by the Union membership. Generally it is deemed appropriate that there be only one steward per constituency. The exception to this rule being in the case of the Branch Secretary as this position may be in addition to the Stewards.

The recognised trade unions will endeavour to seek members to act as trade union representatives for each division in proportion to the number of staff therein.

Recognising that these are voluntary positions it may not be possible to achieve such a balance, and where more than one representative comes from a particular divisional section, then attendance at union meetings must take account of the exigencies of the service. All representatives should advise their management prior to attendance at meetings, although approval to attend will not be unreasonably withheld. Should there be a problem in releasing a member of staff on specific occasions this will be raised with the Head of East Kent HR Partnership for consultation with the Branch Secretary/Chairman for resolution. At all times common sense and reasonableness must prevail.

Formal representative will be reviewed and agreed annually between the Head of Paid Service and Branch Secretaries:

4. **RECOGNITION OF UNION OFFICIALS**

- (a) On receipt of a notification from the full time official or Senior Local Official (see paragraph 7) of the appointment of a Union official the Head of EKHRP will issue a letter of recognition together with a copy of the recognition agreement. As a check, the Trade Union will submit annually to the Head of EKHRP a full list of appointed and accredited union Stewards and Officers.
- (b) Management shall only deal with, and allow facilities provided by, this agreement to Union Officers and Stewards whose recognition has been agreed in writing.

5. **NATURE AND FUNCTION OF UNION STEWARDS**

A Union Steward should be:

- (i) appointed/selected in accordance with the rules of the Union;
- (ii) accredited by the Union in accordance with the rules of the Union;
- (iii) normally employed by the Council in the same work group, Section or Department as the employees he/she represents.

The industrial relations functions of a Union Steward include:

- (i) representing the members of his/her Union within his/her agreed constituency;
- (ii) investigating any complaint or difficulty arising out of their employment raised with him/her by any members of his/her union within his/her constituency;
- (iii) carrying out the functions assigned to him/her in the jointly agreed Council grievance and disciplinary procedures;
- (iv) co-operating with management to ensure that all agreements are observed by both parties;
- (v) meeting with full-time Union Officers on matters which are concerned with industrial relations between the Council and its employees;
- (vi) participating in consultations/negotiations with management on behalf of his/her Union;
- (vii) explaining to new employees, in his/her constituency, the role of the Union in the workplace industrial relations structure, including the recruitment into Trade Union membership of new employees in his/her constituency;
- (viii) appearing on behalf of constituents before an outside official body such as an Employment Tribunal, which is dealing with an employee relations matter concerning the Council, in accordance with the instructions of the particular Union concerned.

6. TIME OFF FOR UNION OFFICIALS

- (i) In order to perform his/her industrial relations duties properly, Union stewards are entitled to take reasonable time off during working hours for such purposes as:
 - (a) collective bargaining with any level of management;
 - (b) meetings with members to inform them of the outcome of consultations and negotiations with management and to generally act as a communication link;
 - (c) meetings with other Union officials, or full-time officers of the Union to discuss matters concerning industrial relations between the Trade Union and the Authority;
 - (d) interviews with and on behalf of Union members on grievance and discipline matters in accordance with agreed procedures;
 - (e) appearing on behalf of members of the Union before an outside body on employee relations matters concerning the Authority;
 - (f) explanations to new employees on the role of the Union in the work place and the employee relations structure.
- (ii) The Trade Union activities of a union steward require his/her active participation to ensure the effective and democratic operation of a Trade Union. He/she will therefore be permitted to take reasonable time off during working hours for such purposes as:
 - (a) participation, as a representative, in meetings of official policy making bodies of the Union such as the Executive Committee and/or annual conference;
 - (b) representing the Union on external bodies such as committees or working parties;
 - (c) participation in workplace elections;
 - (d) organising meetings of members during working hours, following prior agreement with management.
- (iii) The amount of time union stewards will need to spend on such duties defined under (i) and (ii) above is likely to differ according to their area of activity and as a general rule stewards are permitted to take time off during working hours for the amount of time necessary to complete his/her duties in an effective and responsible manner.

Differences arising over the amount of time off under this heading shall initially be referred to the Head of EKHRP who will liaise with the Senior Local Official and/or full-time official. If the difference is still not resolved it will be referred to a grievance appeals panel under the Council's standard appeals system.

Normally, and as a general guide only, a steward would not be expected to spend more than one working day (seven and a half hours for a full-time officer) per calendar month on his/her in-house employee relations duties as defined in paragraph 5 (except i(d) where it is agreed that reasonable time off is necessary) plus attendance at approved training courses and meetings of Joint consultative Committees. In all cases due regard must be paid by both parties to the needs of the service in agreeing the duration and timing of absences.

- (iv) All paid time off for Union duties will be recorded within Divisional time recording systems and reported on a quarterly basis to the Head of EKHRP.

7. SENIOR LOCAL OFFICIALS

The Trade Unions will, if they so wish, appoint a Senior Local Official who will be responsible for the co-ordination of Union activities in all constituencies and will take responsibility from stewards in discussions with the Authority on matters affecting more than one department, or where the designated divisional representative has been unable to resolve a particular matter with his/her divisional management. Within this framework the Council have agreed that the Senior Local Official or his/her deputy shall be allowed up to 10% of his/her working time during normal working hours for his/her trade union duties in connection with the Authority without detriment to the service affected by his/her absence.

8. SALARY PAYMENTS

Full basic salary will be paid to recognised union stewards for periods of agreed absence as defined by this agreement.

9. USE OF TELEPHONES

Recognised Union stewards shall be entitled to make use of telephones in Council establishments for calls relating to Council/Union matters. Whenever possible such calls should be made from the Trade Union Office facility within the Council Offices, White Cliffs Business Park.

10. NOTICE BOARDS

Wherever notice boards exist within staff areas of Council Offices a particular part of that notice board shall be identified for notices concerned with Trade Union matters. The management reserve the right to require the removal of any notice considered inappropriate.

11. MEETINGS WITH FULL TIME OFFICIALS

Facilities for meetings with full time Union Officials shall be made available, within Council Offices, to Union Officials and Stewards at no cost to the Union. Provision of such facilities being dependant upon room availability.

12. NEW APPOINTMENTS

EKHRP will advise the Senior Local Official, or full-time Official on a monthly basis of all starters and leavers to the establishment of the Council.

13. CHECK OFF FACILITIES

Check Off facilities will be provided by the Council under a separate Check Off agreement.

14. ELECTION OF STEWARDS

If requested, facilities will be made available by the Division concerned for Trade Union Members to meet during one working day a year, such day to be by agreement with the Divisional management, for a period of one hour for the purpose of electing Stewards

15. INTERVIEWING OF INDIVIDUAL MEMBERS

The Council accepts in principle that it is desirable for facilities to be made available for Stewards, or other designated Branch Officers to interview, in privacy, individual union members and provision is made for this under section 17. In practice, however, this cannot be guaranteed for staff based away from the Council Offices, Whitfield, and each individual case must be a matter for amicable solution locally with Divisional management.

16. FACILITIES FOR HOLDING MEETINGS

Facilities will be provided by the Council for Stewards and other designated Branch Officers to meet at the Council Offices for one hour per month to discuss the work of the union and industrial relations matters concerning the Authority. Time off with pay will be granted for this facility however should a longer period be required time off will be unpaid. Provision of such facilities being dependant upon room availability.

17. UNION STEWARDS/OFFICIALS - ACCOMMODATION

The Council shall provide an office at the Council Offices, Whitfield, for use of Trade Union stewards/officials. This office shall be provided with a telephone.

18. OFFICE SERVICES

- (a) The use by the Trade Unions of photocopying and printing services will be subject to a service level agreement between the Trade Union and the Accountancy Division.
- (b) Stewards will be allowed reasonable use of Council stationary and other similar materials and the use of the Council's internal distribution system for the performance of industrial relations functions and in connection with the election of Union Stewards.
- (c) The Trade Union may make use of external postal services to a maximum cost of £200 per financial year, subject to such services not being used in pursuit of any dispute with the Council, or for any political lobbying.

19. TRAINING OF STEWARDS

Matters arising in connection with steward/safety representative training will be dealt with by the Head of EKHRP in consultation with the Trade Union and the Division concerned. All proposed courses for which paid time off is to be granted are subject

to the content being agreed between the relevant Trade Union and the Head of EKHRP on behalf of the Authority.

20. **TRAVELLING EXPENSES**

Union stewards may claim reimbursement of travelling and subsistence expenses incurred through attendance at Joint Consultative meetings in accordance with the Council's rates. Appropriate travelling expenses can also be claimed by Union stewards visiting members in connection with the duties defined under section 5 of this agreement. All such claims must be submitted on a separate claim form and submitted to the Head of EKHRP for authorisation.