

# Protocol for Informing and Consulting with Highland Council Employees

## Principles

This Protocol applies to all employees of the Highland Council, except those employees who are covered by the consultation arrangements established by Local Negotiating Committee for Teachers (LNCT) (i.e. teaching staff, music instructors, educational advisers and educational psychologists).

The Council will consult with employee representatives on local issues relating to:

- Working Practices
- HR policies and procedures (except for local collective agreements)
- Health and Safety
- Service restructuring
- Redundancy / Redeployment
- TUPE transfers

Examples of issues that this Information and Consultation protocol does **not** cover include:

- Minor changes to structures e.g. creation of new posts, deletion of vacant posts
- The list of delegated powers granted to the Depute Chief Executive and Service Directors unless there is a significant change as per above
- Minor changes to working environment e.g. change of office in same building
- Changes to job and person specifications which make no material difference to the nature of the post.

The Council undertakes to inform employees directly and through employee representatives, of issues relating to:

- The recent and probable development of the Council's activities and economic situation (e.g. budget developments; central government initiatives and legislative developments).

Information is currently provided to employees on a range of issues such as the financial position of the Council, new Government initiatives for service delivery, new laws and how they affect individuals, the activities of Community Planning partners and where/how to access further information on a range of subjects such as healthy living and health awareness. Information is also provided to employees on the progress of on-going Council projects such as briefings on the Community Ownership Programme.

The range of issues that the Council may choose to inform employees about is diverse and as such is not easily defined. However, it is best summarised as any issue that the Council requires employees to be aware of (for statutory, policy or strategic reasons or just for information) but which will not result in change directly or indirectly affecting their employment with the Council.

The Protocol is not concerned with issues on which the Council requires, in order to legally affect change, to reach agreement with the trade unions, acting on behalf of employees. The collective bargaining process between the Council and trade unions at local level and between the employers' side and employees' side at national level will continue as the mechanism for discussion and agreement of such issues.

Issues for discussion and agreement through the collective bargaining process will include proposals for change affecting terms and conditions of employment such as:

- Pay and grading structure
- Hours of work/weekly working hours
- Annual Leave entitlement
- Highland Council collective agreements (e.g. Disciplinary/Grievance Procedures)
- Highland Council implementation of National collective agreements (e.g. Part 3 of the Scheme of Conditions of Service for Local Government Employees)

Any other terms or conditions incorporated into contracts of employment.

The above examples (not exhaustive) have been included to give an indication of the types of issues that will / will not be covered by this protocol. It is expected that any differences in interpretation will be resolved through discussion between the appropriate full-time Trade Union Officials (or their nominees) and the Head of People and ICT.

Where the Council requires to inform/consult employee representatives on matters that are considered sensitive and/or confidential they will undertake to treat the information as sensitive/confidential until such time as it is agreed by both parties that it can be released.

## **Employee Representatives**

The Council supports the system of collective bargaining and encourages all employees to join a recognised trade union.

Equally, for the purposes of informing and consulting, the Council recognises that for practical purposes it is beneficial for representatives of employees elected by a recognised trade union to represent employees in terms of informing and consulting. For this to work effectively it is important that employee organisations are fully representative and that every employee has the opportunity to join a recognised trade union.

However, many Council employees are not members of a recognised trade union. Where the Council, a Service or group of Services proposes a change that will impact on employees, it will be the responsibility of the senior officer who is responsible for leading the change process, in consultation with the Head of People and ICT, to ensure that employees who are not members of a recognised trade union have the opportunity to participate in the consultation process.

**Example:**

A Service requires to introduce a new shift rota. The new rota will cover 30 employees who currently work a shift rota involving Monday to Friday work between the hours of 8.00 a.m. and 6.00 p.m. The new shift rota will introduce evening and weekend working. The Service is seeking to consult with employee representatives on the impact of the new shift rota.

20 of the 30 employees affected are members of a recognised trade union and will be represented by trade union representatives at consultation meetings.

However, the remaining 10 are not members of a recognised trade union. It is the responsibility of the Service's Lead Officer, in consultation with the Head of People and ICT, to inform all employees and to ensure that they have an opportunity to comment on the information provided, albeit that formal consultation on the proposal will take place with the recognised trade unions.

### **3. Methods of Informing**

The Council will use numerous formal and informal mechanisms for informing employees about issues of interest and significance. An indicative list would include:

- Email updates
- Information on the Council Intranet
- Corporate/Service/Function/Area specific periodic newsletters
- Employee notice boards
- Management briefings.

### **4. Methods of Consulting**

Where the Council requires to consult with employees the means by which consultation takes place will depend on the nature of the issue for consultation and, in particular, whether it is a corporate or Service specific issue or a matter relating to a particular profession or employee group.

As an indicative list, the Council will use the following means of consulting with employees and trade union representatives:

- Staff Partnership Forum
- Area Employee Forums
- Service Level Consultation
- Issue specific project/focus groups

- Consultation on decisions taken under delegated authority
- Employee Surveys

## **5. Staff Partnership Forum (SPF)**

The SPF represents the most senior formal level of consultation between the Council as employer and employees, as represented by trade union representatives. The role of the SPF is defined in its constitution.

In summary, the SPF is responsible for over-seeing the Council's consultation arrangements and for supporting the Engagement and Partnership Framework. The SPF may also act as the forum for consultation on corporate issues (i.e. proposals for change affecting all employees/the whole Council such as the introduction of new HR policies and procedure).

## **6. Area Employee Forums**

The purpose of Area Forums is to provide a channel for informing and consulting with employees and trade union representatives on matters affecting employees in a particular area. The Area Forums draw together representatives of occupational groups from all Services of the Council in a geographical area.

## **7. Service Level Consultation**

Where changes to service delivery, organisational structures, working practices and procedures or other matters affecting employees are proposed, the benefit of consulting and involving employees and trade unions at the earliest opportunity in the decision making process is recognised by all parties.

Where a Service is proposing to initiate a change process, such as an organisational structure review, it will be the responsibility of the Service's Lead Officer for the proposed change to make arrangements at the project planning stage for employee consultation. This would normally include the establishment of regular, programmed consultation meetings as well as ad hoc consultation meetings at key stages of the change programme, both prior to formulation of final proposals for change and on the process of implementing change proposals once they have been agreed.

Where, prior to the formulation of final proposals for change, it is proposed by the Lead Officer that consultation should be conducted on a confidential basis, employee representatives will undertake not to disclose details of matters discussed until authorised to do so.

Where a report is to be prepared for Committee detailing recommendations for change the Lead Officer should give consideration to the inclusion of a "Staffing Implications and Employee Consultation" section in the report. This section should detail the anticipated impact of the proposed change on staff. The report should also

confirm that the process of implementation of the proposals will be subject to consultation.

A copy of relevant committee reports relating to the change proposal should be provided to the Trade Unions unless issues of confidentiality arise.

Following Committee approval of change recommendations, consultation should normally then commence (or continue where they have already commenced) on implementation arrangements. The duration of the period of consultation should be determined by the Service Lead Officer and should take account of the scale of change and the number of staff affected (for example, consultation on the restructuring of an entire Service will require more time than consultation on the implementation of a new shift rota for a small group of staff). Where issues have previously been discussed on a confidential basis, employee representatives will now be free to consult with their members, employees and other stakeholders directly affected.

Both sides shall at all times endeavour to contain formal consultations to as short a period as is necessary. Where a strict timescale for implementation of change must be adhered to, the Lead Officer may choose to specify the period during which consultation will take place. In any event, formal consultation will cease at the point when the Lead Officer is satisfied that sufficient consultation has taken place.

If in the course of the formal consultations the Lead Officer determines that there is a need to vary the original proposals, and where officers have the authority to do so, this shall be done.

In cases where agreement is reached with the officers that the original change proposals require amendment but where officers do not have the delegated authority to agree the necessary changes, a further report shall be made to the Committee advising of the outcome of the consultations and recommendations.

In addition to the above, agendas and reports will generally be available on the internet for scrutiny by trade union officials and employee representatives. The trade unions are entitled to comment on the content of any matter being considered by Members. Comments are expected to be channelled in writing through the Chief Executive/Depute Chief Executive/Head of People and ICT. It is recognised that provision or disclosure of reports alone does not constitute consultation with the trade unions.

## **8. Issue Specific Project/Focus Groups**

Issue specific project groups may be formed on a corporate basis or within a particular Area or Service to consult with employee representatives on the impact of specific issues or to gauge employee opinions.

In such cases it will be the responsibility of the Lead Officer to establish a consultation group consisting of managers of appropriate seniority and

representatives of the recognised trades unions, taking account of the employees affected, drawn from the staff group(s) affected by the proposed changes.

The Lead Officer will develop a communication and consultation plan which will detail the following:

- Names and designations of officers responsible for ensuring effective consultation
- What information will be provided to employees and on what issues managers will seek to consult with employee representatives
- What format the provision of information will take (e.g. newsletter, email briefings, line manager briefings) and how regularly it will be provided
- What format consultation will take (e.g. regular management/employee representatives meetings or ad hoc meetings as required)
- The decision making process in respect of the proposed change.

Lead Officers should refer to the Council's Change Management Guidelines in preparing a communication and consultation plan.

## **9. Consultation on Decisions Taken Under Delegated Authority**

Services/managers will from time to time require to consult with particular staff groups on the impact of proposed changes which they are entitled, under the Scheme of Delegation, to make without reference to Committee.

Many such decisions will have very little or no impact on employees (e.g. minor amendments to job descriptions, re-locations from one work place to another within the same building) and are not within the scope of this Protocol. However, where such changes are within the scope of this Protocol and there is anticipated to be an impact on employees as a result of the change, Officers should endeavour to observe the principles outlined in this Protocol.

## **10. Employee Surveys**

From time to time the Council will directly consult employees on a wide range of issues affecting employment through the use of employee surveys. The results of employee surveys will be used to inform developments on matters relating to employees and details of survey results will be communicated to employees.