

## **LOCAL JOINT COMMITTEE (LJC) - CONSTITUTION AND FUNCTIONS**

### **1. Purpose of the report**

To review the constitution of the Local Joint Committee.

#### **Key Issues**

- **The LJC is a consultative meeting involving Authority Members and employees.**
- **Meetings of the LJC currently take place twice a year in June and November. Recently there have been difficulties in having enough members from both sides to convene a quorate meeting so the scheduled dates need to be changed at short notice.**
- **The constitution of the LJC has not been the subject of a review since May 2001 so this report encourages the Committee to provide feedback on whether any changes are needed and if more could be done to promote the Committee and encourage attendance.**

### **2. Recommendations(s)**

- 1. To discuss the issues raised in this report and provide suggestions on how the LJC constitution could be amended to encourage attendance.**
- 2. To ask the Secretary to prepare a draft revised constitution taking into account the issues raised at the meeting.**

#### **How does this contribute to our policies and legal obligations?**

3. Under the Information and Consultation Regulations 2005 (ICE) the Authority must have arrangements in place to make sure that employees are consulted on work place changes that may impact upon them. The LJC is just one element in this consultation but it is an important opportunity for employees and Members to meet to discuss employment issues and this is reflected in the fact that most local authorities have some type of joint consultative committee in place.

#### **Background Information**

4. Subject to minor amendments the current Local Joint Committee Constitution has not changed significantly since May 2001. In light of recent structural changes in the Authority and recent problems in arranging quorate meetings this report has been prepared to facilitate the Committee in having a discussion on whether the Constitution needs to be amended. Any proposals to introduce changes will be in the form of a recommendation to a meeting of the Authority which must be agreed by a majority of the Committee members on each side.
5. This report has been drafted to highlight a number of areas to look at and suggestions on how the text could be amended to address the issues identified. These suggestions have been put forward by the Committee's Secretary but Committee members from either side are able to suggest alternatives.
6. In developing these proposals the Secretary has considered examples of best practice and guidance issued by the Advisory, Conciliation and Arbitration Service (ACAS). The ACAS guidance identifies the establishment of a joint Committee as being an essential element of meeting the requirements of the ICE.

## Proposals

7. A copy of the current LJC Constitution is attached as Appendix 1. Any suggested changes or areas for discussion are highlighted in bold red. The areas covered include:

- Size and composition of the Committee
- Organisation of Committee meetings
- Subjects to be discussed
- Facilities for Committee members
- Arrangements for reporting back

### a) Size and composition

8. The current composition of the Committee is set out in paragraph 2 of the current constitution. This states that the size of the Committee should be 18 Members made up of 9 Authority Members and 9 Employee representatives at least two of which are accredited shop stewards of the Derbyshire Branch of Unison. At present it appears that three Members are representatives of Unison and the remaining six are Staff Committee Representatives.

Question 1 – Is the current size and composition of the Committee right?

9. With a combined total of 18 members the LJC is the largest Committee established by the Authority. In reality it is rare that all 18 representatives are present with most meetings just reaching the quorum of 8 (four from each side). Does the current size of the Committee help to ensure that a quorum is achieved by having a larger pool to be drawn on or does it contribute to the problem by members assuming that someone else will attend?

Question 2 – Is the current allocation of places between trade union representatives and Staff Committee right?

10. Feedback would also be welcomed on whether the current split between drawing members from Unison and Staff Committee is right or is there scope for a formal mechanism to appoint other Employee Representatives to the Committee. The following paragraph provides an extract from the ACAS guidance:

*“Employee representatives on the Committee should be elected by the employees they represent. Where the organisation has an established trade union structure it is sensible to invite one or more senior shop stewards to sit on the Committee – they have already been elected by their fellow employees and ignoring their status could undermine the existing framework for joint union/management work.”*

11. This does not propose that the Committee should only be made up of trade union stewards but it does suggest that the Committee should make sure that its non-union members represent the views of employees and those appointed are enthusiastic and willing to contribute to the work of the Committee.

Question 3 – Is the current quorum for the Committee right?

12. In recent years meetings of the Committee have been rearranged or cancelled often at short notice because the 8 member quorum cannot be reached. Feedback on whether the quorum should be reduced would be welcome. The quorum for the Authority's other two standing committees is 3 Members. While this would be too low for effective consultation could there be some scope for reducing the LJC quorum to 3 from each side?

## **b) Organisation of Committee Meetings**

13. Currently the LJC meets twice a year with the dates set at the Authority's Annual Meeting in July. Although the dates for them were agreed at the Annual meeting held in July 2016 both of the programmed dates in 2017 had to be rearranged because the quorum could not be established. In the context of making the best use of the resources available to the Authority it takes up a significant amount of time for the Democratic and Legal Support Team to establish whether a meeting will be quorate if it goes ahead and then finding an alternative date if the quorum cannot be reached, so it would be good to receive feedback about some of the factors that may improve and encourage attendance.

Question 4 – Is the current 6 month frequency of meetings working?

14. The current constitution states that the Committee should meet as required but not less than twice a year. In reality in most years more than 2 meetings are held. (There were three in 2015 but one of those was because the November meeting in 2014 was cancelled) It has been suggested that the six month frequency may contribute to low attendance as the Committee does not gain momentum or generate a feeling of belonging. If this is a factor it may be exacerbated by the attempts to arrange meeting dates around having a quorum as this does not necessarily achieve or encourage a consistent membership.

Question 5 – Should the current arrangement for rotating the Chair annually continue?

15. The current arrangement of rotating the Chair of the Committee each year is an option included in the ACAS guidance but with the current frequency of meetings this does not contribute to a consistent approach as, once appointed, the Chair usually only takes the role for the meeting at which they are appointed and one other meeting before being replaced. Views on using this approach to appointing the Chair are welcomed along with a discussion on whether there are models of chairing meetings such as appointing Joint Chairs or other ways to engage both the Chair and Vice-Chair between meetings.

Question 6 – Should the current arrangements for appointing the Committee Secretary continue?

16. In accordance with the Constitution each year the Committee appoints the Committee Secretary. This is usually the Director of Corporate Strategy and Development. This approach seems to work well, with the Democratic and Legal Support Team based in this Directorate supporting the Secretary in arranging meetings, publishing agendas and preparing minutes. Although no changes to this arrangement are currently proposed an amendment to the Constitution is suggested in Appendix 1 based on the ACAS guidance that aims to clarify the role of the Secretary.

## **c) Subjects to be discussed.**

17. Another factor identified as having an impact on engagement relates to the business conducted by the Committee. Looking back over the past 6 years of meetings the following have been discussed (The figures in brackets indicate the number of times an item has been considered by the Committee and items are ranked accordingly):
- Staff Committee Activity Report (10)
  - Unison Activity Report (6)
  - Safety Officers Annual Report (6)
  - Review of General Statement of Health and Safety Policy (3)

- Employee Engagement Improvement Action Plan (3)
- Health and Safety Policy (1)
- Trade Union Recognition and Procedural Agreement (1)
- Report on Incident Reporting (1)
- Findings from Staff Focus Groups (1)

Question 7 – To what extent does agenda content impact on attendance and how could the agenda be structured to encourage participation?

18. The list above shows that in recent years the main agenda topics for the LJC have been around activity reports from Staff Committee and Unison and reports on Health and Safety. LJC members are asked to consider whether the agenda items impact on attendance and consider whether there are other topics that could be brought to the Committee to encourage engagement.
19. In the ACAS guidance the following areas for discussion are suggested:
- Working conditions
  - New ways of working
  - Output and quality
  - Training
  - Health and safety
  - New equipment
  - Staffing levels
  - Sickness absence and employee welfare

Question 8 – Could the process for setting the agenda be improved?

20. As the list in paragraph 18 shows apart from the activity reports most of the agenda items have been added by the management side. While this is quite normal there may be some scope for widening the topics brought to the LJC which in turn may encourage participation.

#### **d) Facilities for Committee Members**

Question 9 – Is it clear what “facilities” are available to LJC Members?

21. As mentioned previously one of the challenges relating to recent LJC meetings has been the ability to establish a quorum. While this has been a problem on both sides it would be good to explore if there is more the Authority could do to encourage attendance. Meetings of the LJC are usually arranged for a Friday on the same day as an existing meeting involving Members. For all meetings of the Authority and its Committees a Friday is the preferred day, this is in recognition that, as most of our Members are actively involved in other local authorities or organisations, experience has shown that we tend to get better attendance. It is usual for meetings of the LJC to be held on the same day as other Members meetings to avoid additional journeys to and from Bakewell and again maximise attendance.
22. Unfortunately the flip side of this is that some employees have been unable to attend meetings because Friday is not a normal working day or on the day of the meeting they are not scheduled to work. LJC are asked to explore whether more could be done to help Committee members who are employees attend meetings by, for example, clarifying the level of facility time available or encouraging managers to set team schedules according to LJC dates or allowing team members to swap working days to accommodate attendance.

### **e) Reporting back**

Question 10 - Suggestions on what more could be done to promote the work of the Committee and provide feedback on discussions?

23. Although this has not been tested it is not believed that many employees will be aware of the LJC or the work it does. It would be useful to get feedback on whether it would help if the profile of the LJC was raised and if so how this could be achieved.

### **Are there any corporate implications members should be concerned about?**

#### **Financial:**

24. None directly – Any changes to the frequency of meetings would have an impact on Members' claims for travel and subsistence and the facility time given to employees.

#### **Risk Management:**

25. The Authority needs to make sure that it has adequate and effective consultation mechanisms in place.

#### **Sustainability:**

26. None

#### **Equality:**

27. The Authority regularly considers the arrangements for all its meetings so that it does not unintentionally prevent or put off specific groups or individuals from participating.

### **28. Background papers (not previously published)**

None

### **29. Appendices**

Appendix 1 - Local Joint Committee Constitution

### **Report Author, Job Title and Publication Date**

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