

The background of the slide features a large, light blue watermark of the University of Aberdeen crest. The crest is a shield divided into four quadrants. The top-left quadrant shows a castle tower, the top-right shows a stag's head with antlers, the bottom-left shows a three-masted sailing ship on the sea, and the bottom-right shows an eagle with wings spread. Above the shield is a crown with four floral motifs. Below the shield is a banner with the motto 'A NE FOR A'.

Agenda Item 12

**Council of the Future – Fit for the
Future: Modernising Industrial
Relations**

Falkirk Council

Title: Council of the Future – Fit for the Future:
Modernising Industrial Relations
Meeting: Falkirk Council
Date: 27 June 2018
Submitted By: Director of Corporate & Housing Services

1. Purpose of Report

- 1.1. The purpose of this report is to update Members on the Council of the Future project which has been reviewing industrial relations and partnership arrangements between Falkirk Council and recognised trade unions. This report also presents a proposed Partnership Agreement to promote constructive trade union and employer partnership working for the future.

2. Recommendations

2.1. It is recommended that Council:

- 1) note the work done by the Council of the Future group established to review existing industrial relations and partnership working arrangements**
- 2) approve the proposed Partnership Agreement as attached as Appendix 1**
- 3) nominate a Member from each group to attend the Tripartite Forum**

3. Background

- 3.1 Following feedback from the Council of the Future listening events attended by employees and trade union representatives, a Council of the Future enabler project was established, called Modernising Industrial Relations. The purpose of this sub-project, which forms part of the overarching Fit for the Future Council of the Future project, was to review the current industrial relations practices and develop a partnership model of working, between Falkirk Council and trade unions.
- 3.2 A working group was established, involving a management representative from each service, and representatives from the recognised trade unions. This project group was chaired by the Head of Human Resources & Business Transformation. As part of the work of the group, they undertook a review of existing consultation forums.

These include:

- Joint Consultative Committee
- Informal Joint Consultative Committee
- Service Based Forums
- Divisional Forums
- Improvement Groups.

3.3 Consideration was also given to partnership arrangements in operation elsewhere, for example, within other Councils and the NHS.

3.4 From discussion, it was recognised that there was a need for an alternative approach which reflects a greater partnership approach. This approach requires to be sufficiently flexible to accommodate the needs of different employee groups and different working arrangements.

4. Considerations

4.1 It is recognised that partnership and collaboration are the best means by which sustainable change and improvement can be delivered. It was agreed that engagement with our workforce sits at the heart of this. Within our current arrangements, the existing forums do not always support this in the form of partnership working.

4.2 As a result, the working group reached a number of conclusions on the current forums. For example, it was considered by the project group that Service Based Forums were of limited value and not necessarily focused on the right areas of the Council's workforce to address the right issues. Equally such forums require to be more flexible to allow them to properly add value.

4.3 The Improvement Groups which support the Council of the Future change programme have had a few successes. These however, require to be refreshed and refocused, now that the Council of the Future programme is up and running. These groups need to fully support change in service delivery and in workforce issues, in the areas that they cover.

4.4 The informal JCC held between officers and Trade Unions was found to be very productive, allowing for open discussion and resolution of issues. It does however require to be more focused on partnership working. It was also felt that policies agreed between officers and Trade Unions should be submitted directly to the Executive in any partnership model. If this model were adopted, the Trade Unions felt there would be no future need for the Joint Consultative Committee.

4.5 Trade Unions were fully supportive of this approach, but still wanted there to be a mechanism for them to discuss strategic issues with Elected Members. This would therefore need to be built in to any new model.

4.6 Taking these findings into account, the project group has developed a

revised Partnership Agreement as attached as Appendix 1. This includes a framework of how the new partnership mechanisms will link together to support fit for purpose partnership working. It also includes terms of reference for all proposed groups. This would replace existing Council consultation forums with the following:

- Tripartite Forum – meeting on a quarterly basis (or as required), this forum would consist of nominated cross party Elected Members, relevant officers and Trade Unions. It would provide a forum for discussion on strategic matters affecting Council employees. This would not be a decision making forum and any matters requiring Member approval would be submitted as normal to Executive/Council.
- Corporate Partnership Forum – meeting on a quarterly basis (or as required), this forum would provide a mechanism for consultation to take place at a corporate level between relevant officers and recognised Trade Unions. It would allow for discussion of Council wide staffing issues and for concerns to be raised and discussed; difficulties explored and resolved and for shared routes forward to be agreed. Any policies or other matters requiring Member approval would be submitted as normal to Executive/Council.
- Service Partnership Forums – these would be established at a service or divisional level where considered appropriate, by the Corporate Partnership Forum. These forums will discuss day to day service delivery and operational matters impacting on the workforce covered by the Forum, and the performance of the service area. Not all areas of the workforce will be covered by these forums and they will only be put in place where there is a need and/or where they will add value.
- Council of the Future Change Groups – such groups would provide a forum for employees and trade unions to help generate and discuss ideas for change, to support Council of the Future project developments and to support the Council's vision of being a responsive, innovative, trusted and ambitious organisation.

4.7 These partnership groups would be advisory bodies only. It is proposed that the Council shall have regard to any recommendations made by them but shall not be bound to accept them or to act on them unless and until they are approved and adopted by the Council or, in terms of a relevant delegation, by a Committee or relevant officer on the Council's behalf, in line with standing orders. Where the Council does not agree to the implementation of recommendations made, matters may be remitted back to the original forum for further discussion.

4.8 Under the proposed Partnership Agreement, a number of behaviours and principles are outlined which are intended to underpin this framework. These include:

- a shared commitment to the success of the Council in providing effective services to the local community;
- mutual trust, honesty and respect;
- openness and transparency in communications;

- respect confidentiality where either party considers this to be essential;
 - recognising and valuing the contribution of all partners;
 - access and sharing of information;
 - consensus, collaboration and inclusion as the “best way”;
 - maximising employment security; and
 - a team approach to underpin partnership working.
- 4.9 If agreed by Council, the first task of the Corporate Partnership Forum will be to develop a knowledge raising/training event for managers and shop stewards on how these arrangements will work in practice. This will also aim to promote better partnership working and ensure that managers and shop stewards feel supported in doing this.
- 4.10 It is proposed that the Partnership Agreement be reviewed by the Partnership Forum on an annual basis to ensure that the arrangements remain fit for purpose.
- 4.11 With regards to the Falkirk Health & Social Care Partnership, this currently has its own Falkirk Joint Staff Forum covering the Partnership workforce, as well as the appropriate Service Based Forum and Improvement Group arrangements relating to the adult services workforce. The Chief Officer for the Health and Social Care Partnership will consider how such arrangements require to be adjusted to ensure they meet the on-going needs of the Partnership workforce, and to give recognition to the Partnership Agreement for Falkirk Council, if approved.

5. Consultation

- 5.1 Trade unions have been directly involved in the development of the proposed Partnership Agreement as part of the Council of the Future Working Group. Trade Unions have confirmed their support for these arrangements. Services have also had a representative on the project group. Briefings were also offered to all political groups. One Group requested a briefing from officers and Trade Unions, one asked for one of their Group Members to be briefed who in turn conveyed this to the Group, and one Group asked for a written briefing which was provided.

6. Implications

Financial

- 6.1 Not applicable.

Resources

- 6.2 It is likely that the proposed framework will require less resource than existing consultation arrangements as Service Partnership Forums will only be established where required. It would also reduce the administration

required for quarterly informal and formal Joint Consultative Committees, without impacting on the ability of Trade Unions to meet with Elected Members and officers.

Legal

6.3 Not applicable.

Risk

6.4 Not applicable.

Equalities

6.5 No additional equality and poverty impact assessment is required.

Sustainability/Environmental Impact

6.6 Not applicable.

7. Conclusions

7.1 Partnership and collaboration are the best means by which sustainable change and improvement can be delivered. The proposed Partnership Agreement outlines a revised framework for increased partnership working across all levels of the Council.

Director of Corporate & Housing Services

Author – Kathleen Docherty, Senior HR Adviser – 01324 506234,

Kathleen.Docherty@falkirk.gov.uk

Karen Algie, Head of HR & Business Transformation – 01324 506223,

karen.algie@falkirk.gov.uk

Date: 18.06.18

APPENDICES

List of Background Papers:

Appendix 1 - Falkirk Council Partnership Agreement

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

None

FALKIRK COUNCIL **PARTNERSHIP AGREEMENT**

1. INTRODUCTION

This Falkirk Council Partnership Agreement has been established as part of an employee relations framework that recognises that partnership and collaboration are the best means by which sustainable change and improvement can be delivered.

This framework:

- provides a method for consultation to take place between the Council and its employees.
- allows staffing issues and concerns to be raised and discussed; difficulties explored and resolved and for shared routes forward to be agreed.
- ensures a joint focus on the Council's vision of being an innovative, responsive, trusted and ambitious organisation.

2. BEHAVIOURS AND PRINCIPLES

The partners to this Agreement share the belief that certain behaviours and principles are required to achieve sustainable improvement and to retain the commitment and support of staff. To underpin partnership working, the following principles will be adopted:

- a shared commitment to the success of the Council in providing effective services to the local community;
- mutual trust, honesty and respect;
- openness and transparency in communications;
- respect confidentiality where either party considers this to be essential;
- recognising and valuing the contribution of all partners;
- access and sharing of information;
- consensus, collaboration and inclusion as the "best way";
- maximising employment security; and
- a team approach to underpin partnership working.

3. ROLES AND RESPONSIBILITIES

This partnership approach and the employment relations framework outlined offers the opportunity for the Council's employees and their trades unions to be fully involved from an early stage in the formulation and implementation of change. If we are to realise the full potential from adopting this approach, all parties need to recognise their roles and responsibilities.

Elected Members, managers, recognised trades unions and employees all have responsibilities within this process. All partners require to demonstrate commitment and be willing to contribute positively to partnership working. This involves accepting responsibility to try and agree decisions by consensus and a demonstration of confidence and confidentiality to enhance the local partnership process. It is recognised, however, that some issues will require negotiation and, where this is necessary, a separate group will be established for this purpose.

Partners agree to work within the terms of the agreement, and any disagreement should not prejudice a partner's position at any later stage in the partnership. There will be situations where, although supportive of partnership working, trades unions or managers are unable to agree a joint approach. There is recognition that trades unions retain the right to represent their members' interests. Remaining involved in the partnership process will enable differences to be dealt with appropriately. The current structure for dealing with employee concerns will be available to support this.

The trade unions recognised for the purposes of this partnership agreement are:

- EIS
- GMB
- SSTA
- UNISON
- UNITE

4. Partnership Framework and Governance

The framework for partnership working within the Council is attached as Appendix 1. This will essentially comprise of:

- **Tripartite Forum** – meeting on a quarterly basis (or as required), this forum will consist of nominated Elected Members, relevant officers and Trade Unions. It will provide a mechanism for consultation on strategic matters affecting Council employees e.g. budget, etc.
- **Corporate Partnership Forum** – meeting on a quarterly basis (or as required), this forum will provide a method for consultation to take place at a corporate level between relevant officers and recognised trade unions. It will allow for discussion of Council wide staffing issues and for concerns to be raised and discussed; difficulties explored and resolved and for shared routes forward to be agreed. Any matters agreed through this Forum which impact on the Council's workforce policies will be referred to the Executive Committee for consideration.
- **Service Partnership Forums** – where considered appropriate by the Corporate Partnership Forum, Service or Divisional Forums will be established to discuss day to day service delivery and operational matters impacting on the workforce covered by the Forum, and the performance of the service area.
- **Council of the Future Change Groups** – such groups provide a forum for employees and trade unions to help generate and discuss ideas for change, to support Council of the Future project developments and to support the Council's vision of being an innovative, responsive, trusted and ambitious organisation.

Terms of reference for the operation of each of these Groups are attached as Appendices 2-5. It is recognised by all parties that the various partnership groups referred to above are advisory bodies only. The Council shall have regard to any recommendations made by them but shall not be bound to accept them or to act on them unless and until they are approved and adopted by the Council or, in terms of a relevant delegation, by a Committee or officer on the Council's behalf. Where the Council does not agree to the implementation of recommendations made, matters may be remitted to the original forum for further discussion.

Out with these forums, the following additional consultative forums will operate:

Local Negotiating Committee for Teachers (LNCT) – allows for discussion of devolved national conditions at a local level.

Joint Staff Forum (Health & Social Care Integration) - provides a forum to enable effective joint discussions between employer and employee representatives, on employment issues, relating to the effective implementation of Health and Social Care Integration.

5. DEVELOPMENT

All partnership forum members will participate in appropriate joint development events, as required, to continue the development of effective partnership working across the Council.

6. REVIEW

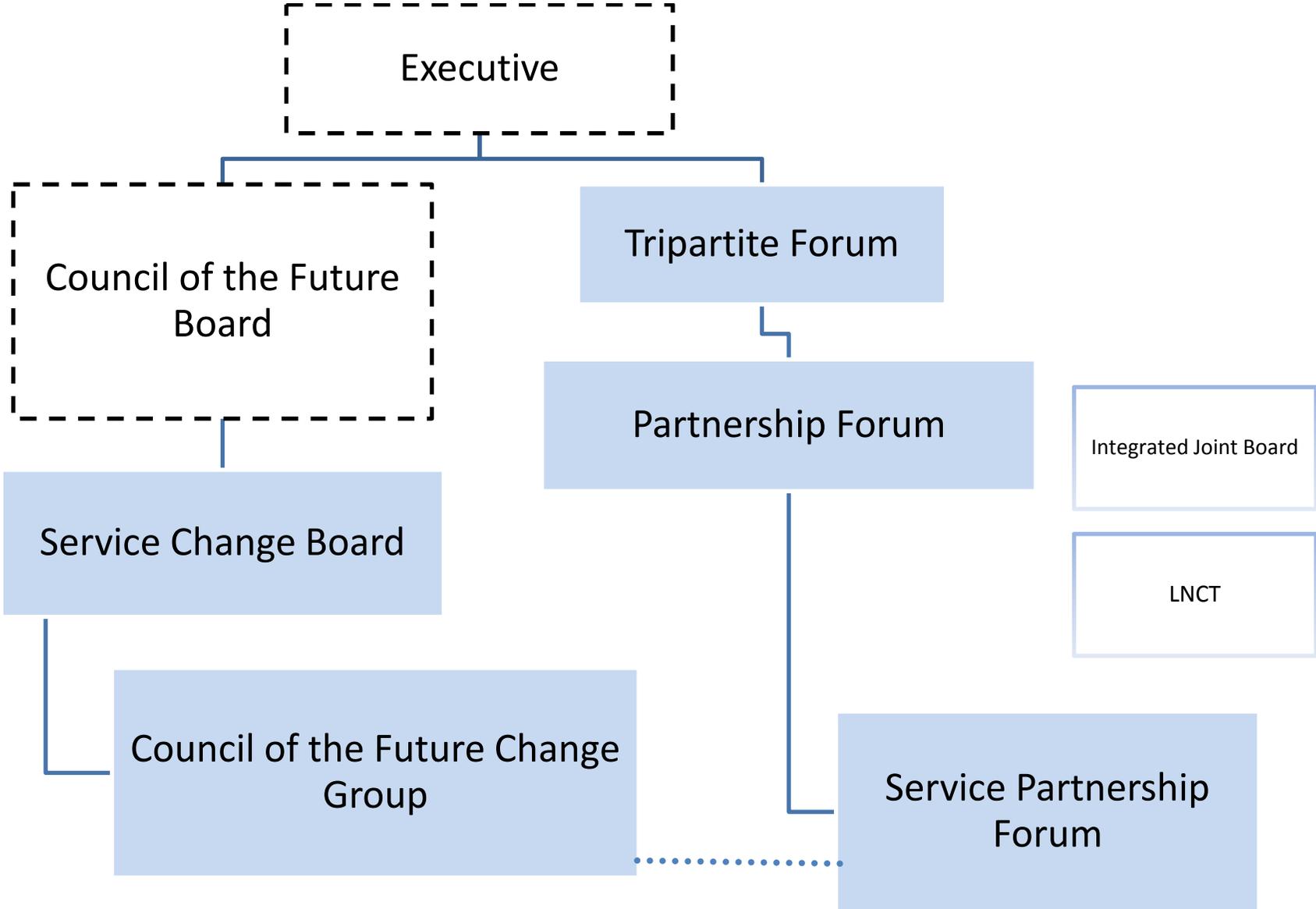
Partnership working arrangements, if they are to be effective, need to be responsive and flexible. The partners will review the details set out above on an annual basis.

Signed (Chief Executive)

Date

Signed (Chair – JTUC)

Date



Terms of Reference – Tripartite Forum

The role of the Forum is:

- To provide a mechanism for consultation on strategic matters affecting Council employees e.g. budget, terms and conditions etc.
- To ensure proposals focus on the Council's vision of being an innovative, responsive, trusted and ambitious organisation.

Principles:

To underpin the working of the Tripartite Forum, the following principles will be adopted :

- a shared commitment to the success of the Council in providing effective services to the local community;
- mutual trust, honesty and respect;
- openness and transparency in communications;
- respect confidentiality where any party considers this to be essential;
- recognising and valuing the contribution of all partners;
- access and sharing of information;
- consensus, collaboration and inclusion as the “best way”;
- maximising employment security;
- a team approach to underpin partnership working.

Ways of Working

- The Forum will meet every quarter however this frequency can be varied if needs dictate this.
- Members of the Forum will receive papers one week before each meeting, where possible.
- An action note of the meeting will be created, kept and agreed by all members of the Forum who attended the meeting.
- The Forum shall be chaired by the Leader of the Council or their nominated substitute.
- The Forum may establish sub-groups or working parties to focus on particular issues. The membership of any such group shall be at the discretion of the Forum. Such groups will be expected to report back to the Forum at regular intervals as agreed.
- From time to time, individuals may be asked to provide specific advice or expertise to the Forum as required.

Membership

- Membership of the Forum shall comprise nominated Elected Members drawn from each political party, representatives of the Council's management team and all relevant trade unions.
- Each of the following trade unions, recognised by the Council, may appoint one nominated representative to the Forum:

- UNISON
- EIS
- UNITE
- GMB
- SSTA

If the nominated trade union representative is unavailable, they may be represented by a substitute.

- Full time officers may attend on an ex-officio basis, noting their attendance in advance.
- Members of the Forum are expected to take ownership of and implement actions agreed by the Forum.

Governance:

The Forum shall be an advisory body only. The Council shall have regard to any recommendations made by the Forum but shall not be bound to accept them or to act on them unless and until they are approved and adopted by the Council or, in terms of a relevant delegation, by a Committee or officer on the Council's behalf.

Terms of Reference – Partnership Forum

The role of the Forum is:

- To provide a method for consultation to take place at a corporate level between the Council and its employees.
- To provide a mechanism for Council wide staffing issues and concerns to be raised and discussed; difficulties explored and resolved and for shared routes forward to be agreed.
- To ensure proposals focus on the Council's vision of being an innovative, responsive, trusted and ambitious organisation.

Principles:

To underpin the working of the Partnership Forum, the following principles will be adopted :

- a shared commitment to the success of the Council in providing effective services to the local community;
- mutual trust, honesty and respect;
- openness and transparency in communications;
- respect confidentiality where either party considers this to be essential;
- recognising and valuing the contribution of all partners;
- access and sharing of information;
- consensus, collaboration and inclusion as the “best way”;
- maximising employment security;
- a team approach to underpin partnership working.

Ways of Working

- The Forum will meet every quarter with a schedule of meetings issued on an annual basis. This frequency can however be varied if needs dictate this.
- Members of the Forum will receive papers one week before each meeting.
- An action note of the meeting will be created, kept and agreed by all members of the Forum who attended the meeting.
- The Forum shall have joint chairs who will chair meetings on a rotational basis. The staff side chair shall be appointed by relevant trade unions.
- The Forum may establish sub-groups or working parties to focus on particular issues. The membership of any such group shall be at the discretion of the Forum. Such groups will be expected to report back to the Forum at regular intervals as agreed.
- From time to time, individuals may be asked to provide specific advice or expertise to the Forum as required.
- Service Unit Managers will ensure that minutes of Partnership Forums are displayed on relevant staff notice boards or otherwise made available. These minutes will be published on the Council's intranet. Trades Union representatives will however have an important role in both communicating with their members and actively ensuring that their members' views are conveyed effectively and taken into account.

Membership

- Membership of the Forum shall comprise representatives of the Council's management team and all relevant trade unions.
- The Chair and the Secretary of the JTUC will attend each meeting
- Each trade union may appoint one nominated representative to the Forum (in addition to the Chair and Secretary role). If the nominated trade union representative is unavailable, they may be represented by a substitute.
- Full time officers may attend on an ex-officio basis, noting their attendance in advance.
- Members of the Forum are expected to take ownership of and implement actions agreed by the Forum.

Governance:

The Forum shall be an advisory body only. The Council shall have regard to any recommendations made by the Forum but shall not be bound to accept them or to act on them unless and until they are approved and adopted by the Council or, in terms of a relevant delegation, by a Committee or officer on the Council's behalf.

Terms of Reference – Service Partnership Forums

The role of the Forum is :

- To provide a mechanism for service specific staffing issues and concerns to be raised and discussed; difficulties explored and resolved and for shared routes forward to be agreed.
- To ensure proposals focus on the Council's vision of being an innovative, responsive, trusted and ambitious organisation.

Remit:

In general, the remit of Service Partnership Forums is to discuss day to day service delivery and operational matters impacting on the workforce covered by the Forum and the performance of the Service area. Forums will only be established for specific Divisions or Functions where the Partnership Forum agrees that this is necessary.

Principles:

To underpin the working of Service Partnership Forums, the following principles will be adopted :

- a shared commitment to the success of the Council in providing effective services to the local community;
- mutual trust, honesty and respect;
- openness and transparency in communications;
- respect confidentiality where either party considers this to be essential;
- recognising and valuing the contribution of all partners;
- access and sharing of information;
- consensus, collaboration and inclusion as the “best way”;
- maximising employment security;
- a team approach to underpin partnership working.

Ways of Working

- The Forum will meet every 8 weeks with a schedule of meetings issued on an annual basis. This frequency can however be varied if needs dictate this.
- Members of the Forum will receive papers one week before each meeting.
- An action note of the meeting will be created, kept and agreed by all members of the Forum who attended the meeting.
- The Forum shall have joint chairs who will chair meetings on a rotational basis. The staff side chair shall be appointed by relevant trade unions.
- The Forum may establish sub-groups or working parties to focus on particular service issues. The membership of any such group shall be at the discretion of the Forum. Such groups will be expected to report back to the Forum at regular intervals as agreed.
- From time to time, individuals may be asked to provide specific advice or expertise to the Forum as required.

- Relevant Service Unit Managers will ensure that minutes of Service Partnership Forums are displayed on relevant staff notice boards within the Service or otherwise made available, making use of new technology where possible.. Trades Union representatives will however have an important role in both communicating with their members and actively ensuring that their members' views are conveyed effectively and taken into account.

Membership

- Membership of the Forum shall comprise representatives of the service management team and all relevant trade unions.
- Each trade union, with members within the Service, may appoint one nominated representative to the Forum. If the nominated trade union representative is unavailable, they may be represented by a substitute.

Full time officers may attend on an ex-officio basis, noting their attendance in advance.

- Members of the Forum are expected to take ownership of and implement actions agreed by the Forum.

Governance:

The Service Partnership Forums will submit action notes and any issues to the Council's Partnership Forum. Where Improvement Groups have been established, action notes will also be submitted to the Service Management Team meetings.

Falkirk Council

Council of the Future Change Groups

Terms of Reference and Membership

The Role of the Group is:

- To involve employees and trade union representatives in the development, implementation and review of proposals to make Falkirk Council, a Council of the Future.
- To involve employees and trade unions representatives in the review of particular functional areas of service delivery, with a view to considering changes to the way the function is currently delivered which will bring efficiencies, whilst maintaining or ideally improving effectiveness
- To provide a forum for all members of the group to generate and discuss ideas for change and support the Council's vision of being an innovative, responsive, trusted and ambitious organisation.

Responsibilities

- To perform the role of a key Stakeholder in the 'Council for the Future' Change Programme.
- To provide assurance to the Council / Council of the Future Board that change activity at a Council and Service level are discussed, debated and inform the Change Programme.
- To provide a forum where change and improvement initiatives can be identified and developed to feed into Service Plans / Council of the Future.
- To act as a project review point to ensure the impact of all change activity has been identified in terms of potential benefits, outcomes and risks.
- To ensure the Change Group understands and, where appropriate, aligns its agenda with other governance groups and dependencies with other areas of work / projects.
- To support the development of appropriate documents and policies to deliver on Falkirk Council's priorities.
- To provide input on issues that affect customers, communities and employees.
- To provide a mechanism via which requests for updates and/ or attendance at meetings can be channelled.
- To provide a forum for the discussion of progress on all change activity.
- To help guide the development of recommendations for further work to make Falkirk Council, a Council of the Future.

- The group may request employees and stakeholders of Falkirk Council to speak at its meetings as seems appropriate and reasonable.

Principles

To underpin the working of Change Groups, the following principles will be adopted :

- a shared commitment to the success of the Council in providing effective services to the local community;
- mutual trust, honesty and respect;
- openness and transparency in communications;
- respect confidentiality where either party considers this to be essential;
- recognising and valuing the contribution of all partners;
- access and sharing of information;
- consensus, collaboration and inclusion as the “best way”;
- maximising employment security;
- a team approach to underpin partnership working.

Ways of working

- The Group will meet every 8 weeks with a schedule of meetings issued on an annual basis. This frequency can however be varied if needs dictate this.
- Members of the Group will receive papers one week before each meeting.
- An action note of the meeting will be created, kept and agreed by all members of the Group who attended the meeting.
- Members may be contacted between meetings for advice should the need arise.
- From time to time sub-groups may be formed to work on specific issues as appropriate. The membership of any such group shall be at the discretion of the Change Group. Such groups will be expected to report back to the Change Group at regular intervals as set by the Group.
- From time to time individuals may be asked to provide specific advice and expertise as required.

Membership

- The Group will be chaired by a relevant Service Management Team representative and have a minimum of 2 members who will be Falkirk Council employees and not Service Manager representatives.
- The Group will have representation from relevant Trades Unions, with one from each trade union and substitutes where required. Full time officers may attend on an ex-officio basis, noting their attendance in advance.
- The Group may have representation from project team members or other Service Stakeholders where relevant.

- Group membership by employees would normally last for a period of two years but there would be the opportunity to continue for another year. After two years the opportunity to participate would be opened up to new people. Rotation of the membership will be staged to ensure that continuity is maintained.
- Members of the Group are expected to take ownership of and implement actions agreed by the group.

Advisors

- Advisors can be drawn on to support the work of the Group with a knowledge of the topics / issues surrounding the Group's participation. These can be called on as and when required.

Governance

- The Change Groups will report back to the Service Change Boards that established them. The Group will update the appropriate Service Partnership Forum on relevant change programmes.