



Trade Union Consultation Protocol

Human Resources
July 2018

TRADE UNION CONSULTATION PROTOCOL

1. PURPOSE

- 1.1 This protocol sets out principles and practical arrangements for undertaking effective consultation with the council's recognised trade unions at both service and council wide level within the authority.
- 1.2 The Advisory, Conciliation Arbitration Service (ACAS) defines 'consultation' as;

'the process by which management and employees, or their trade union representatives, jointly discuss issues of mutual concern. It involves seeking acceptable solutions to problems through a genuine exchange of views and information'
- 1.3 The main purpose of consultation is to provide employees and Trade Union representatives with the opportunity to contribute to discussions whenever a decision is likely to have an impact upon an employee (or group of employees) their terms and conditions of employment and their working practices.
- 1.4 This document seeks to establish a framework within which the parties concerned can undertake consultation based on a structured and consistent approach across the organisation.

2. PRINCIPLES

- 2.1 The council supports the principle of collective bargaining at national and local level and the important role of the trade unions in promoting and developing good industrial relations, robust health and safety practices and an effective learning environment. This is complemented by a commitment to consult with the trade unions on matters that affect the terms and conditions of employment and/or working practices of their members.
- 2.2 The commitment to consult obliges the council to seek the views of employees before final decisions are taken. Consultation should take place at the stage where options are being considered and should involve an exchange of accurate, easily understood information with open and honest discussion of proposals or issues, without bias or prejudice.
- 2.3 Consultation does not mean that employee's views will always be acted upon since there may be practical or financial reasons for not doing so. However, where employee views are rejected, the reasons for doing so should be carefully explained.
- 2.4 Effective consultation should ensure that the views of all staff groups are fairly represented and considered and that arrangements are made to ensure staff absent from the workplace through sickness absence, maternity leave, secondment etc are included in the process. Account should be taken of all contributions made and responses provided wherever possible.
- 2.5 Officers who are undertaking consultation on behalf of the council are responsible for ensuring that the process is conducted in a positive, open and respectful manner and should seek to agree timescales with the trade unions in line with project implementation plans. Those timescales should be reasonable and realistic if consultation is to be meaningful and proportionate to the scale and complexity of any proposed changes.

3. THE CONSULTATION PROCESS

- 3.1 Employees and their representatives must have the opportunity to contribute to proposals affecting them during the developmental stage and certainly before final decisions are made on any proposals. While this means sharing information at an early stage, care must also be taken not to cause undue concern or raise expectations unrealistically. In some circumstances, this may mean seeking Committee approval 'subject to consultation' or 'in principle' before proceeding with consultation.

Timescales

- 3.2 An incremental approach to the consultative process should be adopted where the issue is complex with information being issued in stages. A clear timetable and plan of action should be prepared to ensure that those affected are kept informed and are able to contribute at each stage as appropriate.
- 3.3 Notwithstanding minimum statutory timescales for collective consultation (a minimum 30 day consultation period for proposals affecting 20-99 employees, and a minimum 45 day consultation period for proposals affecting 100 or more employees), consultation periods will vary according to the complexity of the issue. In consultation with Human Resources, a timetable for formal consultation should be established at the outset. Where the matter is complex, it may involve several stages to the process.
- 3.4 Timescales agreed for responding to proposals should allow trade unions sufficient time to consult their members and collate a response.

Informal Consultation

- 3.5 Informal consultation with trade union representatives enables managers to sound out initial reactions to proposals and any potential areas of concern. This may not be appropriate in all situations and will not replace the formal consultation process which will always be required.
- 3.6 All information shared at this preliminary stage should be treated in the strictest confidence on the understanding that it will not be communicated to other parties unless agreement to do so is reached.
- 3.7 The process may involve an informal discussion between the relevant trade union representative, the manager responsible for implementing the proposal(s) and a Human Resources representative. Alternatively, the approach may be to gather initial thoughts, ideas and/or concerns from the relevant group of employees and their trade union representative with a view to shaping final proposals.
- 3.8 Where a view or response cannot be given immediately, a timescale for response will be agreed.

Formal Consultation

- 3.9 The formal consultation process is the means by which views are sought to influence final proposals and decisions. At this stage a range of firm proposals may be being considered, however the information to be provided will vary depending upon the nature and extent of the proposals.
- 3.10 Where formal consultation is to be initiated, a Lead Officer will be identified to take forward the process. The level and seniority of the officer concerned will depend on the complexity of the matter and will normally be a Head of Service or other nominated senior

officer/service manager. An HR representative will also be identified to provide support and guidance throughout the process.

- 3.11 The formal consultation process may involve a number of consultation meetings with trade union representatives, groups of employees and/or individually affected employees.
- 3.12 Due account and weight should be given to responses received from trade unions and employees and where appropriate consideration will be given to amending proposals in light of consultation. This may involve follow-up meetings and exchange of further information.
- 3.13 A **Formal Consultation Checklist** is set out at **Appendix 1** to provide a step by step guide to the consultation process.
- 3.14 The **Roles and Responsibilities** of key officers in the consultation process are set out in **Appendix 2**.
- 3.15 The **Communication & Consultation Employee Issues/Queries Log** set out at **Appendix 3** provides a useful means of capturing comments/queries raised during the consultative process.

4. CONSULTATION AND COMMUNICATION DURING ORGANISATIONAL CHANGE

- 4.1 Consultation and Communication with trade unions and employees during periods of organisational change are specific obligations set out in the council's [Workforce Management Policy & Procedure](#) and should be undertaken in accordance with the principles and guidance contained in this protocol. Further guidance is available in the [Service Restructure Process Management Guide](#) and the [Workforce Planning Management Guide](#).

5. CONSULTATIVE FORUMS

- 5.1 The council has in place the following established consultative forums and arrangements;
 - Service Joint Consultative Committees/Works Committees
 - Conditions of Service Joint Consultative Group (CoSJWG)
 - Local Negotiating Committee for Teaching Staff (LNCT)
 - Council Joint Consultative Group (JCG) and JCG (Teaching)
- 5.2 The respective roles and remits of the above groups/forums are set out in **Appendix 4** of this protocol.
- 5.3 In addition to the established forums, sub groups will be established as required to consult on particular subject matters. Sub-groups will work to timescales set by the relevant Forum which will be responsible for monitoring progress.

HR Services
July 2018

CONSULTATION PROCESS

CHECKLIST

1. DEFINE PROJECT BRIEF /MANAGEMENT PROPOSAL(S)	
<ul style="list-style-type: none"> • Clearly establish and set out project requirements/management proposal(s) • Detail the aim, purpose and reasons for the proposals • Define any required outcomes or objectives • Ensure that any targets are measureable and achievable • Set an overall timescale for completion of the project/implementation of proposal (s) • Identify key dates/milestones where appropriate (eg. committee dates) • Nominate a Lead Officer to take the project/proposal (s) forward 	
2. LIAISON WITH HUMAN RESOURCES	
<ul style="list-style-type: none"> • Discuss and identify potential staffing implications and areas for consultation • Decide whether informal consultation is appropriate • Consider who should be involved/ who should be consulted and the appropriate forum to be used. • Determine any approvals required prior to consultation (eg. committee approval of proposals in principle) • Agree draft timescales for consultation and approach to be taken • Determine any issues, if any that will remain confidential at particular points of the process. Ensure this decision is communicated to relevant parties at the outset. 	
3. PREPARE INFORMATION FOR CONSULTATION	
<ul style="list-style-type: none"> • Set out proposals and any background • Specify the reasons for proposals, including appropriate budget information • Explain who will be affected, how and when • Outline support available • Outline options available and those under consideration (without ruling others out) • Consider using questions to trigger and target responses • Indicate a reasonable timescale and method for feedback 	

<ul style="list-style-type: none"> • Set out a draft timetable for progress/implementation • Ensure consultation information is passed to the relevant forum (eg. Service Management Team) for approval prior to commencing consultation with Trade Unions /Employees. 	
4. ARRANGE CONSULTATION MEETINGS WITH TRADE UNIONS/EMPLOYEES	
<ul style="list-style-type: none"> • Invite employees and Trade Unions to meetings to convey information/proposals (using Template Letters at Appendix 5) • Consider the timing of meetings so that employees can attend • Advise the relevant member of Human Resources of the consultation meeting dates/timings • Hold separate meetings for more detailed discussions with the relevant trade union representatives • Hold separate meetings, as appropriate, for more detailed discussions with individuals directly affected by proposed changes, providing the right to be accompanied by a Trade Union representative or colleague • Ensure that discussions are as comprehensive as possible and that the full implications of proposals are understood • Ensure all employees are given the opportunity to respond to the consultation. 	
5. CONSIDER/ REVIEW FEEDBACK	
<ul style="list-style-type: none"> • Gather and consider all information received • Arrange follow-up meetings to respond to issues raised, if necessary (using Template Letters at Appendix 5) • Collate comments, consider (giving appropriate weight) and respond to comments made. The Communication and Consultation - Employee Issue/Query Log is a useful means of capturing comments/queries. • Provide the opportunity to meet and report back and explain why any comments are not incorporated or deemed relevant • Take account of information and views and incorporate into or amend proposals as appropriate 	
6. FURTHER CONSULTATION	
<ul style="list-style-type: none"> • Undertake further consultation if a significant change is made as a result of the feedback. This will depend upon the impact of the change to the original proposals. 	

7. CONCLUSION OF CONSULTATION PROCESS	
<ul style="list-style-type: none"> • Report outcome of consultation process to Service/Corporate Management Team, relevant Council Committee as appropriate. • Inform Employees and Trade Union Representatives of decision and implementation arrangements (using Template Letters at Appendix 5) 	
8. IMPLEMENTATION OF PROPOSALS	
<ul style="list-style-type: none"> • Proceed with implementation in conjunction with Human Resources and provide updates to the Trade Union /Employees as appropriate. • Complete paperwork to ensure relevant contractual changes are actioned. 	

CONSULTATION PROCESS

ROLES AND RESPONSIBILITIES

DEPUTE CHIEF EXECUTIVES AND HEADS OF SERVICE

Depute Chief Executives and Heads of Service are responsible for ensuring that appropriate consultation arrangements are in place within their service areas which will include;

- Ensuring that appropriate joint consultative forums are set up within their services and are provided with adequate administrative support;
- Nominating a lead officer to conduct consultation with employees and trade union representatives;
- Ensuring that the lead officer conducts consultation in accordance with the principles set out within this protocol and within the appropriate timescales;
- Ensuring that relevant information is communicated timeously and where appropriate within statutory timescales, to enable proper and meaningful consultation to take place;
- Ensuring that employee/trade union representatives are given appropriate notice and time off to attend consultative meetings in accordance with the provisions of the council's Policy on Time Off for Trade Union Duties and Activities;

LEAD OFFICER

The Lead Officer is responsible for:

- Liaising with Human Resources and preparing a consultation plan appropriate to the circumstances;
- Leading the consultation and ensuring appropriate involvement of all relevant parties in accordance with the principles set out in Section 2 of this protocol;
- Monitoring the process to ensure that consultation progresses according to plan;
- Considering responses, addressing problems or complaints and escalating the matter where appropriate;
- Preparing any necessary progress reports to service management teams or Committee as required throughout the consultation process;

TRADE UNION REPRESENTATIVES

Trade Union Representatives are responsible for:

- Ensuring that the employees whom they represent are provided with all the relevant information relating to management proposals affecting them and are given the opportunity to comment and respond to those proposals;
- Attending consultative meetings to represent the views of employees;

HUMAN RESOURCES

Human Resources are responsible for:

- Providing advice and support to lead officers throughout the consultation process;
- Advising on any areas of disagreement and dispute between parties during the consultation process;
- Attending relevant meetings (including the Conditions of Service Joint Working Group) to provide advice on employment policies and legislation;
- Arranging for appropriate training to be provided for those involved in the consultation process as necessary;

EMPLOYEES

- Employees are encouraged to engage fully in the consultation process and take the opportunity to comment on proposals that affect them.

**COMMUNICATION & CONSULTATION
EMPLOYEE ISSUES/QUERIES LOG**

REF	THEME	QUERY	RESPONSE

SERVICE LEVEL AND CORPORATE CONSULTATIVE FORUMS

1. Service Joint Consultative Committees /Works Committees (JCC)

1.1 The following issues typically form the basis for consultation at service level:

- issues which affect a group of employee's terms and conditions of service eg changes to work base, contractual hours or work, overtime arrangements
- issues which have an impact on employees and their working arrangements/patterns eg introduction of a staff rota, significant change to working practices (eg. computerisation of processes)

1.2 Minor operational matters (eg. a minor change in team duties, revised cut off dates for submission of claim forms) are not expected to be addressed in these forums but rather as part and parcel of the day to day management process.

1.3 Where matters cannot be resolved through discussions at the Service Joint Consultative Committee/Group and/or issues arise that have corporate implications beyond the immediate workplace/service, it may be appropriate for such matters to be escalated to the council's Conditions of Service Joint Working Group (CoSJWG) referred to at 2 below.

1.4 In order to ensure effective consultation the following terms should be agreed by members of the Service Level Consultative Groups:

- meetings should be held on regular basis and will normally be chaired by the relevant Service Manager
- both sides are able to submit items of business for discussion at meetings
- meetings have pre-set agendas
- relevant papers are circulated well in advance of the meeting wherever possible
- minutes of meetings and action points are agreed with realistic timescales
- the composition of the group should be representative both in terms of the level of trade union membership within the service and the service functions covered.
- time - off for trade union representatives will be granted to attend meetings in accordance with the Policy on Time Off for Trade Union Duties & Activities.

2. Conditions of Service Joint Working Group (CoSJWG)

2.1 The council's Conditions of Service Joint Working Group (CoSJWG) provides a corporate forum for consulting on employment policies and employee relations matters which have council wide relevance as opposed to individual service specific/operational matters.

2.2 The CoSJWG comprises senior officers representing the council and nominated trade union representatives (non – teaching) who have a wider representative remit that extends beyond that of their own individual services. Members of Human Resources attend meetings in advisory and supporting capacity.

2.3 The CoSJWG meets on a 4 weekly basis.

3. Local Negotiating Committee for Teaching Staff (LNCT)

- 3.1 The Local Negotiating Committee for Teaching Staff (LNCT) is concerned primarily with matters affecting teaching staff but also serves as a consultative mechanism for corporate employment policy matters that affect all employees.
- 3.2 The LNCT meets on a six weekly basis.

4. Council Joint Consultative Group (JCG) and JCG(Teaching)

- 4.1 The council Joint Consultative Groups provide a means of regular consultation and to facilitate negotiations between the council and its employees always provided that no question of an individual's pay, wage, grading, discipline, promotion or efficiency shall be within the scope of the Group.

The JCG will:

- consider and offer observations on any proposals made by the council involving substantial administrative re-organisation to the extent to which it affects the pay and conditions of employment of the employees of the council
 - consider and report on any matter which may be referred to the Group by the council or by any of the recognised Trade Unions.
- 4.2 Membership of the JCGs comprises Elected Members and Trade Union Representatives supported by senior officers of the council and both groups meet four times a year. The quorum for the JCG is 6 members, comprising 3 Elected Members and 3 Staff Side representatives. The quorum for the JCG (Teaching) is 7 members, 3 Elected Members and 4 Staff Side representatives.
- 4.3 The offices of Chair and Vice – Chair alternate annually between each side and the offices are not held by the same side in any year.

TEMPLATE LETTER

Invite to Consultation Meeting - Group Consultation

Dear

Invitation to Consultation Meeting

In connection with the **[insert project title eg Social Policy Review]** I would like to invite you to a consultation meeting on **[insert date, time and location]**.

At this meeting you will be provided with a project brief setting out details of:

- proposals and any background
- information on who will be affected, how and when
- timescales and methods for feedback
- proposed timescales for progress and implementation (subject to change)

All those in **[insert Service/Team Title]** have been invited to this meeting. The Trade Unions have been advised of the meeting and will be in attendance.

If you have any queries regarding the above please do not hesitate to contact me.

Yours sincerely

Lead Consultation Officer

TEMPLATE LETTER

Invite to Consultation Meeting - Individual Consultation

Dear

Invitation to Consultation Meeting

Following the group consultation meeting in connection with the **[insert project title eg Social Policy Review]** I would like to invite you to a further meeting on **[insert date, time and location]** to discuss this matter in greater detail.

At this meeting you will be provided with further information on how the proposals may affect you and the opportunity to ask any questions and make any comments or suggestions.

[Insert those who will be present] will be present at the meeting, and if you wish you may be accompanied by a Trade Union representative or work colleague.

I would be grateful if you would confirm your attendance at the meeting by [insert date] and, if appropriate, who will be accompanying you.

If you have any queries regarding the above please do not hesitate to contact me.

Yours sincerely

Lead Consultation Officer

TEMPLATE LETTER

Follow-up Meeting - Group Consultation

Dear

Invitation to Consultation Meeting

Following the consultation meeting held on **[insert date]** in connection with the **[insert project title eg Social Policy Review]** and an assessment of the feedback received from employees and Trade Unions I would like to invite you to a further meeting on **[insert date, time and location]**.

At this meeting you will be provided with information on amendments to the proposals and a revised project plan.

All those in **[insert Service/Team Title]** have been invited to this meeting. The Trade Unions have been advised of the meeting and will be in attendance.

If you have any queries regarding the above please do not hesitate to contact me.

Yours sincerely

Lead Consultation Officer

TEMPLATE LETTER

Outcome of Formal Consultation

Dear

Outcome of Formal Consultation

Following the consultation meeting(s) held on **[insert date(s)]** in connection with the **[insert project title eg Social Policy Review]** and an assessment of the feedback received from employees and Trade Unions I confirm that the formal consultation period ended on **[insert date]**.

The **[changes identified or revised structure]** will be implemented with effect from **[insert date]** and any contractual variations as a result of the changes will be confirmed to affected individuals as appropriate.

If you have any queries regarding the above please do not hesitate to contact me.

Yours sincerely

Lead Consultation Officer