

Communities and Local Government

Industrial Relations Agreement

- **Communities and Local Government**
 - **Prospect**
- **Public and Commercial Services Union (PCS)**
 - **FDA**

Contents

1. Introduction
2. Recognition
3. Joint Commitments
4. Forms of Engagement
5. Management Changes – the process of engagement
6. Whitley Committee
7. Consultation
8. Departmental Whitley Committee
9. Review and Amendments

2. Introduction

- 2.1 Communities and Local Government is committed to constructive industrial relations with staff and their representatives and recognises the need for appropriate and timely communication, consultation or negotiation (Chapter 12.4 of the Staff Handbook refers) on changes to policy, departmental structures, working practices or terms and conditions of employment.
- 2.2 This Agreement is subject to the provisions of Chapters 1 and 12 of the CLG Staff Handbook. It provides guidance to managers and Trade Union representatives throughout the Department on the communication, consultation and negotiation process involved when managers are developing proposals that might affect staff, such as proposed changes to structures, working practices and conditions of employment.
- 2.3 Staff and their representatives should be fully informed of, and consulted about, proposals that affect staff, with agreement being required for changes to contractual terms and conditions of employment. Management and the Trade Unions should allow sufficient time to ensure that meaningful consultation takes place. Union representatives should be given the opportunity to respond and make their representations. Where the Department cannot agree on non contractual matters with those representations, the unions will be given a full explanation of why this is the case.
- 2.4 Reaching a common understanding of change, why and whether it is needed, should be the first stage in the process. The potential effects of the change on all parties should be taken into consideration and equality screening undertaken (and a full impact assessment where necessary) before any change is embarked upon.

3 Recognition

- 3.1 CLG recognises Prospect, PCS and FDA as the Trade Unions that represent members of staff within the Department for collective bargaining purposes.
- 3.2 PCS is recognised for all staff below the SCS, for a number of specialist staff (such as auditors, accountants, procurement staff), support staff and secretaries,
- 3.3 FDA is recognised to represent members of the Senior Civil Service, fast streamers, economists, statisticians and lawyers and members in Grades 6 and 7.
- 3.4 Prospect is recognised to represent professionals and specialists at all levels other than those represented by the FDA and the PCS, such as scientists, librarians and researchers, and members in Grade 6 and 7.
- 3.5 In the case of Grades 6 and 7, the three unions are jointly recognised for collective bargaining purposes.
- 3.6 CLG recognises the right of the Unions to independently manage their affairs and to represent and further the interests of their members as they see fit,
- 3.7 The Department attaches importance to ensuring effective consultation and involvement of employees and encourages staff to join an officially recognised Trade Union (see [paragraph 12.2.4](#) of the staff handbook).

4 Joint Commitments

4.1 The spirit and intent of this agreement is to promote and maintain the best possible relationship between CLG and the TUS. CLG will provide TUS representatives' with direct access to all new employees and non trade union members to explain the benefits of Trade Union membership. As part of the local induction process, management will invite the TUS to explain representation options to staff and introduce new employees to the local PCS/ Prospect/ FDA representative. TUS and CLG will endeavour to maintain good industrial relations for the benefit of both the staff and the service to the public.

4.2 All parties will:

- ✓ Provide terms and conditions of service in line with best employment practice
- ✓ Identify and implement best practice in the field of equality
- ✓ Build trust and confidence in the workplace through:
 - Understanding the role of other parties and valuing differences of view
 - Sharing relevant information openly, candidly and promptly
- ✓ Manage change collaboratively, endeavouring to reach agreement in a timely manner in accordance with the consultation, negotiation and agreement provisions of the Staff Handbook
- ✓ Take account of customers, the taxpayer, the rich diversity of our communities and the wider public interest in negotiation and consultations

- ✓ Support initiatives that promote fairness at work and improving opportunities for all
- ✓ Seek to avoid compulsory redundancies and, where possible, job losses
- ✓ Improve staff's skills through continuous learning and development, providing resources for high quality, professional training, including for appropriate nationally recognised qualifications wherever relevant to the Department's needs.
- ✓ Work with Union Learning representatives to encourage staff to participate in learning and development opportunities.
- ✓ Seek to improve job satisfaction for all staff
- ✓ Assist staff in balancing work and home responsibilities and aspirations
- ✓ Make staff aware of their respective Union and enable them to participate in their activities
- ✓ Assist all staff in improving their performance in their jobs so as to deliver excellent services to the public.

4.3 CLG commits to the Unions that it will: -

- Use networks and other resources to bring to joint discussions its understanding of equality and employment law matters and knowledge of best practice across the wide range of organisations with a view to improving the performance of the Department and the development of staff.

- Provide union representatives' access to all new and existing members of staff to explain the benefits of Trade Union membership.
- State in all literature regarding employee relations that it encourages staff to join an officially recognised Trade Union (See paragraph 12.2.4 of the staff handbook).
- Provide Union representatives time and other relevant facilities in accordance with the Departmental Facilities Agreement to enable them to carry out their duties effectively.
- Sustain an appropriate system of communication and consultation.
- Consult, negotiate and seek to reach agreement with regard to matters affecting staff in accordance with Staff Handbook provisions before any change or process is introduced.
- Ensure that no individual will suffer any disadvantage as a result of undertaking legitimate trade union duties or activity.
- Provide information to show the performance, current and projected financial and business position of CLG.

4.4 The Unions commit to CLG that they will: -

- Use their networks and other resources to bring to joint discussions their understanding of equality and employment law matters and their knowledge of best practice across the wide range of organisations with which they are involved with a view to improving the performance of the Department and the development of staff.

- Sustain an appropriate system of communication and consultation.
- Seek to reach agreement with CLG when change is proposed. If agreement cannot be reached then the agreed procedure for resolving disputes will be initiated.
- To always take account of customers, the taxpayer and the wider public interest in negotiation and consultations with management
- **Act, in consultation with their members, to secure and protect optimum terms and working conditions.**

5 Forms of Engagement – Communication, Consultation and Negotiation

5.1 Both sides are committed to positive engagement at all levels and from an early stage in the process.

5.2 Engagement with the Trade Unions can be described in three distinct forms and/or phases; **Communication, Consultation, and Negotiation**, although clearly they can be interrelated depending upon the circumstances. This agreement is written in terms of management proposals but it should be understood that it applies equally to Trade Union of Trade Union Side proposals for change.

5.3 Communication

5.3.1 Communication is the provision of information. The department will use a variety of communication methods to inform, as much as possible, in good time with the Trade Unions about relevant issues affecting members. Following an initial communication of information, the consultation or negotiation process will follow, where appropriate.

5.4 Consultation

5.4.1 Consultation is where management actively seeks and considers the Trade Unions' views on non contractual matters that affect policies, working practices and other issues. Following the consultation process, the collective bargaining (negotiation) process may follow. Management and the TUS will agree whether, and which, issues to be discussed are to be kept confidential.

5.4.2 As a general principle, both parties commit to the timely conclusion of any consultation and negotiations. Both parties agree that discussions are likely to lead to better understanding of respective positions and to a more creative resolution. Nevertheless both sides will ensure that proposals and responses are followed up in writing wherever possible, with proper explanation of respective positions, and within reason agreed timescales should be adhered to.

5.4.3 An appropriate period of time for initial consultation will be agreed. It may be necessary for some or all Unions to consult more widely including seeking advice (from lawyers) and time should be allowed for this purpose. Depending upon the circumstances more time may be required and requests should be considered favourably wherever possible. Management reserve the right to conclude consultation at the end of the agreed period of time.

5.4.4 Representatives must be given sufficient time for consultation purposes. Should they feel that they have not been given sufficient time then they have the right to request an extension to the consultation period, which should be considered with due regard to legal requirements and ministerial and civil service policy and commitments.

5.4.5 Where management and TUS consider that consultation is concluded, the decision shall be recorded in writing and made available to both parties.

5.5 Negotiation

5.5.1 Negotiation, through Collective Bargaining, is where the issue involves a proposed change to contractual terms and conditions of employment, and therefore requiring agreement. Negotiations will not be subject to a pre-

determined time limit for completion. However, both sides will reserve the right to conclude negotiations when it is clear that agreement cannot be reached.

6 The process of engagement

- 6.1 Whenever change is to be proposed management should, at the earliest opportunity, inform in writing the accredited TU representative of the staff concerned, including the reasons for change, before the staff are informed. Wherever possible, trade unions should be involved at the earliest possible moment, including early consideration of issues, options and alternatives.
- 6.2 All statutory requirements for, or ministerial and civil service commitments regarding, consultation, negotiation or change will be adhered to (for example the TUPE Regulations, the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector (COSOP) and The Information and Consultation of Employees Regulations 2004 and the Cabinet Office/CCSU Protocol for handling surplus staff situations).
- 6.3 Representatives will be provided with information relating to the change i.e. the proposal which details the situation before and after the proposed change with all relevant evidence and equality screening.
- 6.4 When informed, the representative should give full consideration to the information provided and the effect the proposed change may have upon the staff concerned. It may often be necessary for the representative to consult the staff concerned before agreement can be reached or alternative suggestions made. Time taken to undertake this consultation should be taken into consideration by all parties when considering deadlines and possible implementation timescales. There may also be a need for the representative to consult with national TU representatives; this too should be taken into account and this needs to be kept in mind when timescales are set.

- 6.5 As a whole, information will be accessible to employees. Where there is a need for confidentiality and this is agreed, confidential information will be kept confidential until after management have had the opportunity to brief all staff who may be affected by the change. If the TUS feel that this conflicts with their duties and obligations, this will be raised in advance with a view to reaching agreement upon the status of the information.
- 6.6 Management and the TUS should ensure that proposals are clear and concise. The underlying cause or reason for the suggested change should be explained together with the affect upon the terms and working conditions and practices of staff. Those affected should be clearly apparent.
- 6.7 Union representative(s) will seek to:
- clarify any points of uncertainty;
 - discuss any matters of contention;
 - propose any amendments or alternatives to the management proposal, providing any supporting evidence.
- 6.8 If during the consultation or negotiation period amendments are suggested and agreed between both parties, it may on occasion be necessary for the TUS to further consult with or ballot their members to seek authority to agree the new proposals.
- 6.9 Any relevant statutory consultation requirements, including for the consultation period must be adhered to.
- 6.10. Staff will normally be given the option of having an individual meeting with their manager to discuss how the proposed change will affect them personally. They will have the right to be accompanied at this meeting by

their Trade Union representative.

- 6.11 Managers will ensure that they give feedback to the HR Industrial Relations team regarding the response(s) received and how the consultation or negotiation process affected the outcome.

7 Whitley Council

- 7.1 The Departmental Whitley Committee (DWC), including the DWC General Purposes Committee and other DWC Whitley sub-committees is the established framework within which industrial relations is conducted. This framework provides for the formal consultation and negotiation between management and the recognised trade unions and the participating Trade Union Side representatives, and is the official body for negotiating changes that affect staff. All consultation and negotiation, whether informal or formal, is deemed to take place within the Whitley system and under its rules and provisions.
- 7.2 Trade Union representatives who are not on 100% facility time should inform their line manager at the earliest opportunity of their anticipated absence from “line” duties due to their role as a trade union representative. Line management should make every effort to accommodate this absence; however, any operational difficulties should be discussed at the earliest opportunity. Depending upon the urgency of the proposal under discussion, management should be advised, with confirmation from the Official Side Secretary in HR that it may be necessary for the representative to be absent at short notice or to take facility time over and above their allocated amount. Requests must be made in accordance with the facilities agreement and time granted will be subject to service requirements. Co-operation is encouraged from both management and trade union representatives in rearranging appointments or meetings whenever possible.
- 7.3 If agreement on a proposal cannot be reached, the ‘**Disputes Procedure**’ in the Staff Handbook may be initiated. This is an internal process which may be required when, for example, local management or Trade Unions

refuse to comply with the agreed procedures for consultation and negotiation.

- 7.4 The Departmental Whitley Committee (DWC) consists of the DWC, the General Purposes Committee (GPC) and four sub committees, (Learning & Development, Equality & Diversity, Finance & Business Planning and Corporate Services). These meet regularly throughout the year and consist of Directorate Heads, other senior managers and National Representatives from PCS, Prospect and FDA.
- 7.5 Where a matter covered by the Constitutions of the DWC or GPC remains unresolved at any of the sub-committees or Whitley Committees for the delegated areas, both sides reserve the right to raise it at the GPC and ultimately the DWC. Remaining areas of disagreement can be referred to ACAS with the agreement of both parties.

8 Review and amendment

8.1 This agreement will be regularly reviewed and subsequently amended if necessary on agreement of all parties. The first such review shall take place 12 months subsequent to the effective date shown below.

Signed _____

Date: _____

Name _____
Government (CLG)

For Communities and Local

Signed _____

Date _____

Name _____
Services Union (PCS)

For the Public and Commercial

Signed _____

Date _____

Name _____

For Prospect

Signed _____

Date _____

Name _____

For the FDA