

# Public Document Pack



**Helen Barrington**  
Director of Legal and  
Democratic Services  
County Hall  
Matlock  
Derbyshire  
DE4 3AG

Extension  
Ivan.Walters@derbyshire.gov.uk  
Direct Dial 01629 538328  
Ask for Ivan Walters

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To: Members of Improvement and Scrutiny Committee - Resources

Tuesday 30 April 2024

Dear Councillor,

Please attend a meeting of the **Improvement and Scrutiny Committee - Resources** to be held at **2.00 pm** on **Thursday, 9 May 2024** in Committee Room 1, County Hall, Matlock, DE4 3AG, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

**Helen Barrington**  
**Director of Legal and Democratic Services**

## **AGENDA**

### **PART I - NON-EXEMPT ITEMS**

1. Apologies for Absence  
To receive apologies for absence (if any)
2. Declarations of Interest  
To receive declarations of interest (if any)
3. Minutes (Pages 1 - 4)

To confirm the non-exempt minutes of the meeting of the Improvement and Scrutiny Committee – Resources held 29 February 2024

4. Public Questions (30 minute maximum in total) (Pages 5 - 6)

(Questions may be submitted to be answered by the Scrutiny Committee, or Council officers who are attending the meeting as witnesses, on any item that is within the scope of the Committee. Please see the procedure for the submission of questions at the end of this agenda)

5. Update on the Review of the Strategic Approach to Equality Diversity and Inclusion

6. Trade Union Time Off

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**MINUTES** of a meeting of **IMPROVEMENT AND SCRUTINY COMMITTEE - RESOURCES** held on Thursday, 29 February 2024 at Committee Room 1, County Hall, Matlock, DE4 3AG.

## **PRESENT**

Councillor S Swann (in the Chair)

Councillors R Ashton, J Barron, , J Dixon, M Foster, A Hayes, J Innes, D Muller and D Murphy.

Also in attendance was Councillor Carol Hart .

### **5/24 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **6/24 MINUTES**

The minutes of the meeting held on 22 January 2024 were confirmed as a correct record.

### **7/24 PUBLIC QUESTIONS**

There were no public questions.

### **8/24 UPDATE ON REVIEW OF THE STRATEGIC APPROACH TO EQUALITY DIVERSITY AND INCLUSION**

Jen Skila, Director, People and Organisational Change, and Wes Downes, Policy Manager attended the meeting and provided members with a presentation to compliment the report on the update on the review of the Strategic Approach to Equality, Diversity and Inclusion which had been circulated in advance of the meeting and to ask the committee to note the recommendations of the Diverse Council Motion Cross Party Working Group.

The refresh of the approach comes at time of ongoing changes and challenges affecting the Council and local communities and aims to:

- Redefine the organisation's vision and priorities in relation to EDI, both internally and externally, and when considering the organisation's statutory obligations and organisation culture;

- Capture key developments in Adult Social Care, Childrens Services and the development of the Council's new organisational strategy;
- Consider what constitutes feasible action in relation to the make-up of the workforce, given the current challenges within the job market and the rate of change which can be achieved;
- Highlight any challenges regarding resources and/or the delivery of the approach across the Council; and
- Better engage senior leaders and Elected Members from all parties on EDI developments and the ongoing development of the strategic approach to EDI.

Over recent months, in addition to the initial engagement carried out with this Committee a number of additional engagement sessions on revising the Council's EDI approach had been held as follows:

- Internal stakeholders including senior leaders through the Shaping the Future Forum and feedback from Executive Directors;
- Two workshops with members of EDI Board and the existing EDI workstreams leads;
- A workshop EDI Board Members extended for frontline employees to consider and provide input on the proposed objectives;
- A survey and follow up discussion with Employee network leads; and
- Initial engagement has been undertaken with the BME Forum, the Youth Network and Derbyshire LGBT+ Network Alliance.

Stakeholder feedback from the above engagement sessions had highlighted key themes and issues around the current position which were detailed in the report and after recognising this feedback it had broadly indicated what the approach moving forward should be, which were again highlighted in the report.

As a result of the feedback received and in order to aid understanding, commitment and delivery of EDI ambitions across employees, Elected Members and stakeholders it was proposed to move away from having a separate EDI Strategy document and to move to the main EDI focus being on four equality objectives. This approach would, overall, enable the organisation to raise awareness around EDI issues and for the Council move towards applying an EDI "lens" as part of its day-to-day business and organisational culture, whilst simplifying the current approach and yet maintaining delivery of realistic outcomes.

As a result of the key issues expressed in the engagement to date, along with the aims of revising the strategic approach, it is proposed to take forward the Council's strategic approach around the following four draft key equality objectives:

1. Better understand our diverse communities and use that understanding to shape organisational policy and practice.
2. Lead by example on equality, diversity and inclusion.
3. Create a working environment that is inclusive where all colleagues feel that they belong and can be their best at work
4. Work alongside different equality groups to design, provide and deliver services that are accessible, inclusive and responsive to the needs of our residents and communities and reflect our organisational culture.

Each of the objectives would have several key areas of focus with specific annual implementation plans, along with associated outcomes. Appendix 2 to the report showed the proposed key areas of focus for each equality objective, and it should be noted that the EDI approach would evolve and be continually developed as opposed to being a static approach.

The EDI objectives will be supported by a short EDI statement with a provisional draft below. This is important to ensure that it is clear what EDI means to the organisation:

*Equality, Diversity and Inclusion at Derbyshire means that all colleagues and our communities will have a voice, ensuring we listen and engage, shape and respond to enable an inclusive culture. As a result, our inclusive culture will enable improved delivery to our communities.*

This statement was intended to reinforce that EDI should be part of our business as usual, and should also support in outlining the 'why'. The organisation needed to be clear on the business case for EDI as well as the legal or moral case (recognising it had duties to abide by), building delivery of EDI work into service delivery rather than our current 'additional' commitment to workstreams.

Key to embedding EDI objectives and activity in the work of the Council will be to consider how the equality objectives are integrated into key Council strategies and plans

Alongside the work to develop the revised EDI strategic approach and draft equality objectives, officers have supported, in an advisory capacity, the work of Elected Members as part of the Diverse Council Working Group. Following Cabinet agreement on 21 September 2023, the working group was set up to discuss and debate the wide-ranging matters covered in the Diverse Council Declaration heard by Full Council on 12 July 2023. Cabinet

agreed to receive a further report to outline recommendations from the cross-party working group.

The group met on three occasions and considered the current activity being undertaken, identified where more could be done and has agreed a set of recommendations in respect of the matters contained in the Diverse Council declaration. Many of the actions in the Declaration are for Political Groups and not for the Council to take forward, such as committing to appointing Diversity Ambassadors, setting ambitious targets for candidates from under-represented groups at the next local elections and promoting the talent and diversity of colleagues through mentoring and shadowing. Some elements of the Declaration can be promoted and supported by the Council. Many are already in place or underway with examples given in the report.

Whilst the activity detailed in the report, addressed many of the matters contained in the Declaration, the Working Group discussed and identified opportunities to complement and enhance the existing work being undertaken and the support available. Recommendations would be presented to Cabinet for consideration in March 2024.

If agreed, the recommendations would be incorporated within the refreshed strategic approach to Equality, Diversity and Inclusion and within the annual delivery plans.

In terms of next steps and as detailed in the report a key activity from April 2024 onwards would be work to reflect EDI objectives as part of the Council Plan 2025-2029 along with the organisation's strategic vision, the further development and refinement of the strategic objectives and operating model.

Members made a number of observations and asked questions which were duly noted or answered by officers.

**RESOLVED (1)** to note the proposed revised strategic approach to EDI and draft equality objectives as set out in the report as a basis for public consultation and further internal engagement; and

(2) that a further report be received by this committee on 9 May 2024 as set out in the timetable in the report.

## **Procedure for Public Questions at Improvement and Scrutiny Committee meetings**

Members of the public who are on the Derbyshire County Council register of electors, or are Derbyshire County Council tax payers or non-domestic tax payers, may ask questions of the Improvement and Scrutiny Committees, or witnesses who are attending the meeting of the Committee. The maximum period of time for questions by the public at a Committee meeting shall be 30 minutes in total.

### **Order of Questions**

Questions will be asked in the order they were received in accordance with the Notice of Questions requirements, except that the Chairman may group together similar questions.

### **Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by email to the Director of Legal Services no later than 12noon three working days before the Committee meeting (i.e. 12 noon on a Wednesday when the Committee meets on the following Monday). The notice must give the name and address of the questioner and the name of the person to whom the question is to be put.

Questions may be emailed to [democratic.services@derbyshire.gov.uk](mailto:democratic.services@derbyshire.gov.uk)

### **Number of Questions**

At any one meeting no person may submit more than one question, and no more than one such question may be asked on behalf of one organisation about a single topic.

### **Scope of Questions**

The Director of Legal Services may reject a question if it:

- Exceeds 200 words in length;
- is not about a matter for which the Committee has a responsibility, or does not affect Derbyshire;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Committee in the past six months; or
- requires the disclosure of confidential or exempt information.

## **Submitting Questions at the Meeting**

Questions received by the deadline (see **Notice of Question** section above) will be shared with the respondent with the request for a written response to be provided by 5pm on the last working day before the meeting (i.e. 5pm on Friday before the meeting on Monday). A schedule of questions and responses will be produced and made available 30 minutes prior to the meeting (from Democratic Services Officers in the meeting room).

It will not be necessary for the questions and responses to be read out at the meeting, however, the Chairman will refer to the questions and responses and invite each questioner to put forward a supplementary question.

## **Supplementary Question**

Anyone who has put a question to the meeting may also put one supplementary question without notice to the person who has replied to his/her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds detailed in the **Scope of Questions** section above.

## **Written Answers**

The time allocated for questions by the public at each meeting will be 30 minutes. This period may be extended at the discretion of the Chairman. Any questions not answered at the end of the time allocated for questions by the public will be answered in writing. Any question that cannot be dealt with during public question time because of the non-attendance of the person to whom it was to be put, will be dealt with by a written answer.





**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**IMPROVEMENT AND SCRUTINY COMMITTEE - RESOURCES**

**THURSDAY, 9 MAY 2024**

**Report of the Director of People and Organisational Change**

**UPDATE ON REVIEW OF THE STRATEGIC APPROACH TO EQUALITY  
DIVERSITY AND INCLUSION (EDI)**

**1. Purpose**

- 1.1 To update Improvement and Scrutiny Committee - Resources on the key results and findings from the public consultation on the proposed EDI Statement and objectives, to update on the review of the strategic approach to Equality, Diversity and Inclusion (EDI) and to note the final draft EDI Statement and Equality Objectives

**2. Information and Analysis**

- 2.1 At its meeting of 29 February 2024, the Committee noted the proposed revised strategic approach to EDI and draft equality objectives as a basis for public consultation and further internal engagement and agreed to receive a report on the final draft revised approach, EDI Statement and Equality objectives at its meeting of 9 May 2024.
- 2.2 Public consultation on the proposed draft EDI Statement and Equality Objectives took place between 28 February and 13 March 2024. Around 100 individual responses were received to the online consultation, which represents a significant increase on previous consultations on EDI strategies and policies.
- 2.3 There were high levels of agreement with the EDI statement and objectives with relatively low levels of disagreement as follows:
- **72%** of respondents agreed or strongly agreed with the EDI statement.

- **13%** of respondents disagreed or strongly disagreed with the EDI Statement
- **78%** of respondents agreed or strongly agreed with Objective 1.
- **4%** of respondents disagreed or strongly disagreed with Objective 1
- **74%** of respondents agreed or strongly agreed with Objective 2.
- **6%** of respondents disagreed or strongly disagreed with Objective 2
- **73%** of respondents agreed or strongly agreed with Objective 3.
- **11%** of respondents disagreed or strongly disagreed with Objective 3
- **76%** of respondents agreed or strongly agreed with Objective 4.
- **6%** of respondents disagreed or strongly disagreed with Objective 4

2.4 Respondents were asked in what capacity they were responding to the consultation and were able to select several options such as being a Derbyshire resident and employee. The highest single group responding were employees of the Council with 80% of respondents selecting this option.

2.5 Key results and findings from the public consultation are outlined at Appendix 2. Many respondents acknowledged that good progress on EDI issues has taken place and welcomed a stronger commitment to EDI. Several key themes and issues were identified in the consultation as follows:

- Respondents felt the language used could be simplified
- More detail was required on how the Council will deliver both its EDI Statement and proposed equality objectives.
- Respondents felt that the EDI statement needed to have a stronger emphasis on communities and customers as well as talking about the Council as an organisation.
- That the Council needs to give a bigger commitment to active listening and to involving communities in the design of policy and services
- Some respondents felt the Council needs to do more to develop participation by diverse communities and groups within decision-making, co-design and public life.
- Some respondents highlighted a need for a more visible commitment to change and taking action to deliver objectives and the sentiments of an EDI statement.
- Concerns were expressed by a number of respondents over the impact the budget will have on the Council's ability to take action, affect culture change and provide necessary services and support.

- There was agreement that leadership was an important element but also that EDI should be everyone's responsibility.
- All areas of EDI need to be considered and addressed by the Council including race equality, disability socio-economic inequality and deprivation, intersectionality and where necessary taking targeted action to address specific areas of inequality or under-representation.
- Specific feedback from the BME Community Forum highlighted that the objectives set out in the consultation questionnaire are positive. However, the Forum feels that there must be an explicit reference to the engagement of different equality groups and the diverse BME communities. The Forum are keen to see a clear understanding of an explicit working relationship to define the connection between the DCC EDI Board and the Derbyshire BME Forum
- Feedback from both the BME Forum and Deaf-initely Women stressed the need to develop a countywide Equality Partnership representing different protected characteristics as a recognition of intersectionality.

2.7 Alongside the public consultation further internal stakeholder engagement has taken place with responses having a bigger focus on organisational culture, diversity, and inclusion, and ensuring that actions match any commitments being made, including in relation to employee opportunities and engagement.

### Final Proposal

2.8 As a result of the feedback received from the consultation, it is proposed to amend the EDI Statement from:

*Equality, Diversity and Inclusion at Derbyshire means that all colleagues and our communities will have a voice, ensuring we listen and engage, shape and respond to enable an inclusive culture. As a result, our inclusive culture will enable improved delivery to our communities.*

To the following (with changes highlighted in bold), which reflects the significant feedback that the EDI Statement should be more explicit about the Council's commitment to communities as well as the organisation.

*“Equality, Diversity and Inclusion at Derbyshire **County Council** means that all colleagues and our communities will have a voice, ensuring we listen and engage, shape and respond to enable an inclusive culture. As a result, our inclusive culture will ensure **equality, diversity and inclusion underpins our planning and service delivery leading to improved outcomes for our communities.***

- 2.9 Much of the feedback received, was around the need for specific, actionable commitments beyond the high-level statements of intent. As set out previously, each of the objectives will have several key areas of focus with specific annual implementation plans, along with associated outcomes. The EDI Statement and Equality Objectives are intended to reinforce that EDI should be part of our business as usual. The proposed Statement and Objectives set out at Appendix 3 provides the framework for the 'what' and the 'why' with the intent that delivery of EDI work is built, where appropriate, into service delivery.
- 2.10 In addition to the main areas of feedback set out above, a small number of typographical, clarification and grammatical changes have been made to the text relating to the key areas of focus. Where appropriate the term 'employee' has been amended to 'colleague' as feedback indicated respondents found this more inclusive in this context. Given the high levels of agreement with the Equality Objectives, it is not proposed to make any significant amendments to these.

### **Next steps**

- 2.11 It is proposed to seek agreement to the approach and adoption of the equality objectives by Cabinet at its meeting of 13 June 2024. As outlined to this Committee on 29 February 2024, key to embedding EDI objectives and activity in the work of the Council will be to consider how the equality objectives are integrated into key Council strategies and plans. As a first step from April 2024, the Council will be developing the Council Plan for 2025-2029 and its organisational strategy, and consideration will be given to how EDI objectives are reflected as part of the Council's strategic vision, along with the further development and refinement of the strategic objectives and operating model. For 2024/25 EDI is a key element of the organisation's workforce strategic objective. Performance updates will also be captured as part of the reporting against strategic objective number 24 (*Develop and engage the council's workforce to enable the organisation to be an enterprising council*).
- 2.12 Consideration has been given to refreshing EDI governance to align with the new approach throughout 2024-25. It is proposed that the current EDI board is reframed and repurposed to provide senior leadership oversight in respect of the organisation's performance against its EDI statement and defined equality objectives, providing a connection between the Council's Corporate Management Team and Departmental Management Teams to support integration of inclusion into the Council's business as usual service delivery, whilst also making connections with the strategic planning approach. Moving forward from 2025-26, the wider EDI governance approach will be

reviewed in readiness to align with the organisational strategy governance.

## **EDI Progress in 2023-24**

2.13 Alongside the work to develop the revised strategic approach to EDI over the last year, several key areas of EDI activity have been undertaken. Much of the activity undertaken has not only positioned the Council in respect of progressing the new approach but has also continued to provide a robust basis for the Council in respect of its work around budget saving activity and wider transformation of the Council. Key activity undertaken includes:

- Establishing a cross part working group of Elected Members to consider how the Council, members and political parties might encourage broader participation in public life with recommendations from the group considered by the Council's Cabinet on 14 March 2024.
- Completing a range of face-to-face consultation sessions with young people, disabled people and the BME Community Forum to broaden and ensure a diverse voice within consultation for the Council's Budget for 2024/25.
- Completing further Equality Impact Analysis in relation to a number of key services which also included significant public and stakeholder consultation.
- Developing additional advice and support for colleagues to help support a comprehensive set of EIAs in relation to the Council's budget and budget proposals for 2024/25. This has been made available and promoted on the Our Derbyshire intranet pages and replaces initial plans to create a portal using other platforms.
- Developing updated profiles for each Electoral Division of the Council that includes more EDI profile information and areas profiles so that people can see the differences in diversity across geographical areas of the county, helping s in understanding Derbyshire's local communities better.
- Developing a workforce equality dashboard detailing gender, sexual orientation, religion, ethnicity, age and disability.
- Developing recruitment data detailing ethnic origin, gender, age, sexual orientation, religion & disability of candidates at each of the key stages of the recruitment process (application, shortlisted for interview, offer accepted, contract returned).
- Developed EDI data in detailing gender, sexual orientation, religion, ethnicity, age and disability of employees in formal HR processes – disciplinary, absence management, performance capability, bullying & harassment and grievance.

- Continuing to listen and engage with employees through our employee survey, shaping and responding to improve employee engagement
- Relaunching the Council's five employee networks in 2023 to further improve engagement and support co-production: BME, Pride, Dis-Ability Inclusion, Neurodiversity, Women's. Surveyed workforce on their views of employee networks.
- Launching mandatory EDI training for all employees.
- Undertaking an EDI awareness programme of ongoing events, sponsored by Corporate Management Team, following monthly discussion at Corporate Management Team meeting.
- Launching the 'Inspiring Leaders' development programme for all line managers, which includes unconscious bias, delegating inclusively, challenging unacceptable behaviour and coaching.
- Reviewing the use and need of translation and interpretation services.

### **3. Consultation**

- 3.1 As outlined in the report a period of public consultation along with further internal and external stakeholder engagement has been undertaken.

### **4. Alternative Options Considered**

- 4.1 The Council could decide not to refresh the strategic approach to Equality, Diversity and Inclusion and continue with the existing strategy. However, this is not recommended as it is timely to reflect EDI objectives as part of the development of the Council Plan 2025-2029 along with the organisation's strategic vision, the further development and refinement of the strategic objectives and operating model.

### **5. Implications**

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

### **6. Background Papers**

- 6.1 None

### **7. Appendices**

- 7.1 Appendix 1 – Implications  
7.2 Appendix 2 – Public consultation results and findings

### 7.3 Appendix 3 – Final Proposed Equality, Diversity and Inclusion Statement and Objectives

## 8. Recommendation(s)

That Committee:

1. Note the key results and findings of the public consultation on the EDI Statement and Equality Objectives as set out in Appendix 2.
2. Note the final proposed EDI Statement and Equality Objectives as set out at Appendix 3 as a basis for seeking Cabinet approval.
3. Note the update on key EDI activity across the Council undertaken in 2023-24 as set out in the report above.

## 9. Reasons for Recommendation(s)

- 9.1 Elected Members play a key role in helping the Council to meet the public sector equality general duties through decision-making, the setting of policy and priorities for the Council, and as local representatives within their respective communities and leaders for those communities.

**Jen Skila**  
**Director of People and Organisational Change**

**Report Author:** Wes Downes

**Contact details:** [Wes.Downes@derbyshire.gov.uk](mailto:Wes.Downes@derbyshire.gov.uk)

## **Implications**

### **Financial**

1.1 None identified.

### **Legal**

2.1 The Public sector equality duty came in to force in April 2011 (s.149 of the Equality Act 2010) and public authorities are required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

To ensure transparency, and to assist in the performance of this duty, the Equality Act 2010 (Specific Duties) Regulations 2011 require public authorities to publish:

- equality objectives, at least every four years (from 6th April 2012)
- information to demonstrate their compliance with the public sector equality duty (from 31st January 2012)
- The proposed strategic approach will support compliance with the above requirements.

### **Human Resources**

3.1 Further work continues to support the organisation's ambitions outlined in the People Strategy in relation to EDI.

### **Information Technology**

4.1 None identified.

### **Equalities Impact**

5.1 The Council would be failing to meet specific duties under the public sector equality duty of the Equality Act 2010 if it did not adopt appropriate equality objectives and on at least an annual basis publish equalities information, including progress against its objectives.



5.2 The strategic approach as set out will help lead work to address inequality across Derbyshire, advance equality of opportunity and support activity which promotes good relations between people from different backgrounds. This will extend to employment, service delivery, and the Council's public functions.

### **Corporate objectives and priorities for change**

6.1 Strong links are already made between the EDI Strategy and the Council Plan and Department based Service Plans. The proposed strategic approach to EDI offers a real opportunity of translating organisational improvement and addressing inequalities within these key corporate plans.

### **Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 None identified.

## Key results and findings from the Public Consultation on proposed EDI Statement and Equality Objectives

### Introduction

Public consultation took place on the Council's draft EDI Statement and four Equality Objectives between Wednesday 28<sup>th</sup> February to 13 March 2024.

This was done via an online survey on the Have Your Say pages and via colleagues who promoted taking part with a number of groups from diverse backgrounds, including the BME Community Forum, youth groups, and area Learning Disability groups,

In total, 101 people completed the online survey, which is a significant increase from past consultations on EDI policies or strategies.

### Survey respondents

Respondents to the consultation were grouped by their relationship to the Council. Some indicated several relationships such as resident and employee, for example. The highest single group were employees of the Council.

| Type of respondent                | Number of respondents |
|-----------------------------------|-----------------------|
| Derbyshire Resident               | 47                    |
| Derbyshire Business Owner         | 2                     |
| Works in Derbyshire               | 35                    |
| Studying in Derbyshire            | 3                     |
| DCC Employee                      | 80                    |
| Representative of local group/org | 3                     |
| Other                             | 0                     |
| <b>Total</b>                      | <b>170</b>            |

### Participation by diversity

- 91.9% of respondents were aged 25 to 64.
- Those aged 45 to 64 (60.5%) were overrepresented and the younger and older age groups underrepresented.
- 89% of respondents said they were straight/heterosexual. With 7% identifying as Gay/Lesbian, and 5% Bisexual.
- 8.9% of respondents were from BME communities, marginally higher than BME representation in communities and the workforce
- 85% of respondents identified as female at birth with males underrepresented.
- 34.7% of respondents stated they had a disability of some form.

## Key Findings

Overall, respondents agreed with the Council's proposed EDI statement and objectives. Many respondents however also felt that more work should be done to develop the statement and the Council needs to identify how it will deliver on its commitment and objectives.

- **72.4%** of respondents agreed or strongly agreed with the EDI statement.
- % of respondents disagreed or strongly disagreed with the EDI Statement
  
- **78%** of respondents agreed or strongly agreed with Objective 1.
- **3.5%** of respondents disagreed or strongly disagreed with Objective 1
  
- **74.4%** of respondents agreed or strongly agreed with Objective 2.
- **6%** of respondents disagreed or strongly disagreed with Objective 2
  
- **73%** of respondents agreed or strongly agreed with Objective 3.
- **10.5%** of respondents disagreed or strongly disagreed with Objective 3
  
- **75.6%** of respondents agreed or strongly agreed with Objective 4.
- **6%** of respondents disagreed or strongly disagreed with Objective 4

## EDI Statement

### Key themes

Based on the feedback provided, several key themes emerged regarding the current statement on Equality, Diversity, and Inclusion (EDI) at Derbyshire County Council (DCC):

**Clarity and Conciseness:** Respondents said the current statement is vague, jargonistic, and lacks clarity. They suggest simplifying language and making the statement more accessible to all audiences, whether internal or external.

**Inclusivity:** There's a strong emphasis on ensuring that the statement reflects the needs and voices of all individuals, including hidden communities and those whose voices may not traditionally be heard.

**Actionable Commitments:** Feedback indicates a desire for the statement to include specific, actionable commitments rather than generalisations. This includes proactive measures to promote equality, reduce division and discrimination, and actively engage with communities.

**Community-Centric Approach:** Many respondents highlight the importance of centring the statement around the broader Derbyshire community, rather than solely focusing on the council itself.

**Continuous Improvement:** There's a recognition that while progress has been made in embedding EDI, there is still room for improvement.

**Active Listening and Engagement:** Feedback highlighted the importance of actively listening to and engaging with individuals and communities to understand their needs, concerns, and perspectives.

**Empowerment and Representation:** The statement should reflect a commitment to empowering all members of the community and ensuring their representation in decision-making processes.

**Respondents suggested amendments/ changes/ ideas**

Some respondents suggested areas where the statement could be improved further including:

**Inclusivity:** The language used should reflect inclusivity and avoid sounding disingenuous or top-down.

**Proactivity and Concrete Actions:** Many respondents expressed a need for the Council to be more proactive and action oriented. They suggested including specific commitments, such as training programs, mentorship initiatives, and creating safe spaces for dialogue and feedback.

**Accessibility and Understanding:** It is important that the statement is written in plain English, is easily understandable by all residents of Derbyshire, whilst demonstrating an understanding of the barriers faced by different sectors of the community.

**Listening and Engagement:** The statement should emphasize the importance of listening to and engaging with the community, as well as acting on feedback received. This includes co-production and ensuring that all voices are heard.

**Wellbeing and Representation:** The importance of prioritising the wellbeing of the workforce and ensuring representation at all levels was emphasised.

**Clarification and Specificity:** Respondents highlighted the need for clarity and specificity in the statement, including clear goals, targets, and timelines for achieving EDI objectives.

**Addressing Concerns and Language Sensitivity:** Some respondents raised concerns about the language used and possible areas of conflict particularly around gender identity.

## Objective 1

### Objective 1: Understand our diverse communities and use that understanding to shape organisational policy and practice

We will do this by:

- Ensuring equality, diversity and inclusion underpins our planning and delivery and how we manage outcomes and impact on residents.
- Improving how we collect and use information to tell us more about our communities.
- Assessing how our decisions affect different communities, particularly those with poorer life outcomes.
- Working alongside people from all our diverse communities to create services and encourage wider participation in public life.

78% agreed or strongly agreed with objective 1. With only 3.5% disagreeing or strongly disagree.

### Key themes

Many respondents called for a stronger commitment to taking action to address inequality and using assessments such as EIAs to drive change, including when proposals will impact adversely.

Respondents also felt that there should be deeper engagement with diverse communities to better understand their needs and challenges. Engagement should lead to meaningful changes in policies and practices, ensuring that community voices directly influence decision-making.

Collaboration with diverse communities is seen as essential for gaining insights, addressing blind spots, and improving service delivery. Building trust through transparency and acknowledgment of the issues impacting different sectors of the community is highlighted as necessary.

Feedback also suggests the need to improve the accessibility and promotion of services, especially for vulnerable individuals and their caregivers. The importance of equity and social justice was also emphasised, with a focus on addressing disparities and promoting inclusivity through tailored services and decision-making processes.

Respondents emphasised the need for better representation, particularly of minority groups such as autistic individuals, in decision-making roles within the organization.

Overall respondents believe that EDI principles should be integrated into service delivery and decision-making processes. Tools for consultation, impact analysis, and community understanding should be embraced genuinely.

### **Respondents suggested amendments/ changes/ ideas**

Many suggested amendments such as clarifying that services are intended for everyone, including those without a voice such as children, individuals with severe disabilities, and enduring mental health issues.

Respondents felt that the Council should ensure everyone is involved in the shaping of organisational policy and practice to promote inclusion at all levels.

Respondents also identified the need to expand engagement methods beyond surveys and questionnaires to include in-person meetings, phone calls, and other forms of direct interaction.

The Council should also look at ways to enhance inclusivity through initiatives such as providing accessibility initiatives, language support, cultural training, and community outreach.

### **Proposed Revised Objective 1**

#### **Objective 1: Understand *all* our diverse communities and use that understanding to shape organisational policy and practice**

We will do this by:

- Ensuring equality, diversity and inclusion underpins our planning and delivery and how we manage outcomes and impact on residents.

- Improving how we collect and use information to tell us more about **all** our **diverse** communities.
- Assessing how our decisions affect different communities and **how we can reduce inequalities in outcomes**.
- Working alongside people from all our diverse communities to create services and encourage wider participation in public life.

## Objective 2

### Objective 2: Lead by example on equality, diversity and inclusion

We will do this by:

- Increasing EDI understanding and confidence amongst all leaders and Elected Members, to further enhance our inclusive culture
- Working with our partners and key stakeholders to understand EDI best practice, share our experiences.
- and generate opportunities for local people and help address inequalities.

**74.4%** agreed or strongly agreed with objective 2. With only 6% disagreeing or strongly disagree.

### Key themes

Many respondents emphasised the importance of senior leadership demonstrating commitment to inclusivity through their actions, not just words. This involves actively championing diversity initiatives, participating in relevant training, engaging with diverse communities, and ensuring accountability and transparency in progress towards inclusivity goals. Respondents included councillors in this.

However, it was also noted that it is important for all colleagues to be involved in promoting inclusive practices and understanding the needs of the communities they serve.

There's a consensus that representation in leadership positions should reflect the diversity of the community served. Translating into actively recruiting and supporting individuals from underrepresented backgrounds for leadership roles and community-facing positions. This aspect of diversity work seems to be absent from the proposals for action to deliver the objective currently. Those taking part expressed a desire for concrete actions rather than just high level statements of intent. They advocate for identifying priority groups, addressing specific inequalities, and implementing clear plans to extend opportunities to those who currently lack them.

While some respondents see the progress that has been made as a good start, others stress the need to go further and ensure that inclusivity is woven into every aspect of organisational culture and practices.

### Respondents suggested amendments/ changes/ ideas

Based on the feedback provided, there are several areas where improvements can be made to promote equity, diversity, and inclusion (EDI) within an organisation or community.

Respondents believe that there should be increased understanding and advocacy for Equality, Diversity and Inclusion within the Council leadership and by Elected Members. This included attendance at mandatory training and engagement with communities of interest to enhance their knowledge, understanding, and confidence in addressing EDI issues. Some advocated establishing designated champions for various minority groups (e.g., disability, LGBTQ+, neurodiversity) among Elected Members to openly support and advocate for marginalised communities.

Many comments relate to the need for improved collaboration with partners and stakeholders to identify and implement EDI best practices, actively seeking out diverse stakeholders to ensure representation and inclusion in decision-making processes. There was support for implementing measures to support individuals who may not be able to express their views or needs directly, such as young people or those with communication challenges.

Respondents also believe the Council should help to remove barriers for local communities to voice their ideas and concerns regarding inequalities, fostering a culture of openness and inclusion.

The Council should also pro-actively work to challenge unfair or negative workplace culture and promote greater organisational and personal accountability. Some wanted to see regular reviews of workplace policies, procedures, and practices through an EDI lens to ensure they do not inadvertently disadvantage any group, whilst also provide training for managers on recognising and accommodating hidden disabilities and fostering an inclusive environment for all employees.

## **Proposed Revised Objective 2**

### **Objective 2: Lead by example on equality, diversity and inclusion**

We will do this by:

- Increasing EDI understanding and confidence amongst all leaders and Elected Members, to further enhance our inclusive culture
- Working with our partners and key stakeholders to understand EDI best practice
- **Sharing our experiences of best practice in EDI.**
- Generate opportunities for local people and help address inequalities.

## **Objective 3**

### **Objective 3: Create a working environment that is inclusive where all colleagues feel that they belong and can be their best at work**

We will do this by:

- Sharing our stories and learning to understand and accept our differences
- Making our workplaces more accessible and welcoming
- Enabling our employee networks to support the employees they represent
- Demonstrating our commitment to externally recognised standards such as Level 3 Disability Confident Employer

73% agreed or strongly agreed with objective 3. With only 10.5% disagreeing or strongly disagree.

### **Key themes**

Based on the provided feedback, several key themes emerge regarding the need for inclusivity and support within Derbyshire County Council (DCC) and in relation to activity to generate employment opportunities.

Respondents strongly related to EDI as a workplace issue, and highlighted County Hall as a venue that needs to be more welcoming, inclusive and accessible to all individuals, including those with disabilities or specific needs. This includes physical accessibility, such as ramps and lifts, as well as accommodations like accessible software, but it also covered how people feel when at this venue working.

There's a call for tailored support for various needs, including those related to physical disabilities, neurodiversity, mental health, and minority backgrounds. This involves not just policies but practical implementations, such as providing necessary equipment and resources.

Training and awareness sessions are seen as essential to increase understanding and reduce stigma around diverse needs and conditions, including neurodiversity and disabilities.

There's a recognition that inclusivity is an ongoing process that requires continuous evaluation and improvement of policies and practices based on feedback and evolving understanding. Respondents value being heard and being involved in decision-making processes however, there are concerns about under-representation and the need to ensure fair opportunities for all individuals, regardless of protected characteristics does not feature in the objective as is.

### **Respondents suggested amendments/ changes/ ideas**

Several respondents identified the need for improved training for managers regarding reasonable adjustments and supporting colleagues. As well as training on understanding and actively challenging racism and other forms of discrimination. Providing clear policies and workflows for seeking support for employees.

Respondents want to see representation at all levels across all areas of work within the Council. Whilst those working for the Council welcomed expanded communication in relation to EDI, they highlighted some gaps in relation to accessibility, including the tone of some types of communication currently being delivered.

Given the high proportion of respondents who indicate they work for the Council, it is not surprising that many respondents chose to focus on workforce, culture and engagement inside the authority and were able to describe actions they believe the Council should consider, such as creating clear policies and practices for training, development, and promotion within the Council.



### **Proposed Revised Objective 3**

#### **Objective 3: Create a working environment that is inclusive where all colleagues feel that they belong and can be their best at work**

We will do this by:

- Sharing our stories and learning to understand and **celebrate** our differences
- Making our **physical and virtual workplaces** more accessible and welcoming
- Enabling our employee networks to support the **colleagues** they represent
- Demonstrating our commitment to externally recognised standards such as Level 3 Disability Confident Employer

### **Objective 4**

#### **Objective 4: Design, provide and deliver services that are accessible, inclusive and responsive to the needs of the people of Derbyshire and reflect our organisational culture.**

We will do this by:

- Developing more equal partnerships between people who use services, providers, carers and employees to deliver better outcomes

Removing barriers preventing access to services and information

**75.6%** agreed or strongly agreed with objective 4. With only 6% disagreeing or strongly disagree.

#### **Key themes**

Based on the provided comments, there is a strong emphasis on the need for clearer, more specific language and actions regarding the removal of barriers and ensuring accessibility, particularly in the context of organisational culture and service provision.

Respondents want to see concrete steps being taken by the Council, rather than general statements. This includes commitments to specific actions such as improving physical accessibility, providing training, engaging with the community, and leveraging technology.

There is strong support for involving the community, service users, and carers in the design and delivery of services to ensure that services are responsive to the diverse needs of the community and foster a sense of ownership and empowerment among stakeholders.

There is a need to ensure that services are equitable and inclusive, addressing the needs of all residents, including those from marginalised or underrepresented groups. This involves not only removing physical barriers but also addressing communication barriers, cultural competency, and accessibility of information.

In summary, to address the concerns raised and improve organisational culture and service provision, it is essential to focus on clear, specific actions that prioritise community engagement, equity, inclusivity, and transparency. This requires a commitment to ongoing evaluation, learning, and adaptation to ensure that services are responsive to the evolving needs of the community.

Ensuring transparency and accountability in the implementation of all initiatives.

### **Respondents suggested amendments/ changes/ ideas**

From the themes emerging from the survey respondents wanted a focus on ensuring equality, inclusivity, and accessibility within the services provided by the Council and emphasis on equality and inclusivity not being merely aspirational but fundamental values that guide all aspects of service delivery and organisational culture.

Many respondents felt that instead of vague statements about reflecting organisational culture or aspirations, the Council should articulate specific actions and strategies for removing barriers to access and ensuring inclusivity. Respondents highlight the importance of collaborating with external partners, community organisations, and advocacy groups to address systemic issues and ensure that services are designed and delivered in a way that meets the diverse needs of the community.

Feedback again recognised the challenges faced by those who may be unable to voice their opinions or advocate for themselves, such as young people or individuals with disabilities. That the Council should ensure that mechanisms are in place to empower and amplify the voices of these groups in decision-making processes.

Respondents also felt that there should be greater commitment to regular communication and transparency regarding the organisation's progress and challenges in advancing EDI goals. This includes sharing successes, addressing shortcomings, and soliciting feedback from both internal stakeholders and the broader community.

### **Proposed Revised Objective 4**

**Objective 4: Design, provide and deliver services that are accessible, inclusive and responsive to the needs of the people of Derbyshire and reflect our organisational culture.**

We will do this by:

- Developing more equal partnerships between people who use services, providers, carers and **colleagues** to deliver better outcomes
- Removing barriers preventing access to services and information

## **FINAL PROPOSED EQUALITY DIVERSITY AND INCLUSION (EDI) STATEMENT AND EQUALITY OBJECTIVES**

Equality, Diversity and Inclusion at Derbyshire County Council means that all colleagues and our communities will have a voice, ensuring we listen and engage, shape and respond to enable an inclusive culture. As a result, our inclusive culture will ensure equality, diversity and inclusion underpins our planning and service delivery leading to improved outcomes for our communities.

### **Objective 1: Understand all our diverse communities and use that understanding to shape organisational policy and practice**

We will do this by:

- Ensuring equality, diversity and inclusion underpins our planning and delivery and how we manage outcomes and impact on residents.
- Improving how we collect and use information to tell us more about all our diverse communities.
- Assessing how our decisions affect different communities and how we can reduce inequalities in outcomes.
- Working alongside people from all our diverse communities to create services and encourage wider participation in public life.

### **Objective 2: Lead by example on equality, diversity and inclusion**

We will do this by:

- Increasing EDI understanding and confidence amongst all leaders and Elected Members, to further enhance our inclusive culture
- Working with our partners and key stakeholders to understand EDI best practice
- Sharing our experiences of best practice in EDI.
- Generate opportunities for local people and help address inequalities.

### **Objective 3: Create a working environment that is inclusive where all colleagues feel that they belong and can be their best at work**

We will do this by:

- Sharing our stories and learning to understand and celebrate our differences
- Making our physical and virtual workplaces more accessible and welcoming
- Enabling our employee networks to support the colleagues they represent
- Demonstrating our commitment to externally recognised standards such as Level 3 Disability Confident Employer

### **Objective 4: Design, provide and deliver services that are accessible, inclusive and responsive to the needs of the people of Derbyshire and reflect our organisational culture.**

We will do this by:

- Developing more equal partnerships between people who use services, providers, carers and colleagues to deliver better outcomes
- Removing barriers preventing access to services and information



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**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**IMPROVEMENT AND SCRUTINY COMMITTEE - RESOURCES**

**THURSDAY, 9 MAY 2024**

**Report of the Director of People and Organisational Change**

**Trade Union Time Off (TUTO)**

**1. Purpose**

- 1.1 To update Improvement and Scrutiny Committee – Resources, on the current situation regarding Trade Union Time Off within Derbyshire County Council.

**2. Information and Analysis**

- 2.1 As Elected Members will be aware, Derbyshire County Council recognises a number of trade unions, and is therefore required to follow ACAS guidance in relation to this. The relevant guidance, and the minimum that an employer should follow is the ACAS Code of Practice on time off for trade union duties and activities. For clarity, trade union duties are mainly related to issues connected with the collective bargaining process and representing members, whereas trade union activities are related to internal trade union meetings and arrangements.
- 2.2 The Code of Practice is not prescriptive in defining the amount of time off for trade union purposes, but states; 'The amount and frequency of time off should be reasonable in all circumstances'.
- 2.3 The Code of Practice also states that 'Employees who are representatives of an independent trade union recognised by their employer are to be permitted reasonable time off during working hours

to carry out certain trade union duties’, and that ‘an employer who permits union representatives time off for trade union duties must pay them for the time off taken’. The amount of pay should be the amount the employee would have earned had they worked during the time off taken.

2.4 In addition to the ACAS Code of Practice, Derbyshire County Council has voluntarily agreed with Unison, Unite and GMB, a trade union recognition agreement comprising:

- The Recognition Agreement itself,
- Appendix 1 of the agreement – a list of issues the authority has agreed to negotiate, consult or engage with trade unions on,
- Appendix 2 of the agreement – the trade union time off and facilities agreement,
- Appendix 3 of the agreement – an agreed consultative framework.

2.5 The above agreement is currently due for review and consultation with the trade unions is ongoing.

2.6 Trade Union Membership

Trade union membership figures over the period 2020 to date indicate a steady decline in membership overall:

| Trade Union | Feb 20 | Jan 21 | Jan 22 | Feb 23 | Jan 24 |
|-------------|--------|--------|--------|--------|--------|
| Unison      | 4129   | 3872   | 3509   | 3364   | 3235   |
| Unite       | 329    | 324    | 227    | 241    | 239    |
| GMB         | 900    | 971    | 979    | 1059   | 1112   |
| Total       | 5358   | 5167   | 4715   | 4664   | 4586   |

2.7 Trade Union Time Off

In accordance with the recognition agreement, ‘block time’ is allocated on a pro rata basis, based on overall trade union membership, and details are shown below of how this time is currently allocated within this authority. It should be noted that there is a separate time off provision for schools, and this is funded by schools.

Current ‘Block Time’ Allocations



| Trade Union | 20/21 (FTE) | 21/22 (FTE) | 22/23 (FTE) | 23/24 (FTE) | 24/25 (FTE) |
|-------------|-------------|-------------|-------------|-------------|-------------|
| Unison      | 5           | 4.5         | 4.5         | 4           | 4           |
| Unite       | 1           | 1           | 1           | 1           | 1           |
| GMB         | 1.5         | 1.5         | 1.5         | 2           | 2           |
| Total       | 7.5         | 7           | 7           | 7           | 7           |

- 2.8 However, the actual number of trade union representatives is not regulated, i.e. there is no limit on the number of individuals who may be elected as a trade union representative. Such representatives would not be afforded 'block time' but may request 'ad hoc' time only. The overall number of trade union representatives and relevant departments is detailed below.

|       | Unison | Unite | GMB |
|-------|--------|-------|-----|
| ASCH  | 8      | 2     | 0   |
| CS    | 6      | 0     | 3   |
| CST   | 4      | 4     | 4   |
| Place | 6      | 4     | 0   |
| Total | 24     | 10    | 7   |

- 2.9 Public sector trade union facility time data (GOV.UK) indicates that the number of trade union representatives that spend 100% of their working hours i.e. the whole of their working week, on trade union duties / activities varies throughout local authorities from 0 to 20. Those reporting zero generally being smaller city, borough or district councils. The local authority with the highest number of representatives spending 100% of their time on trade union duties / activities is Birmingham City Council. Again, trade union time off for educational facilities (schools) is reported separately under these provisions.
- 2.10 Similar local authorities in the area have the following numbers of employees spending 100% of their time on trade union duties:
- Nottinghamshire County Council – 4
  - Leicestershire County Council – 3
  - Lincolnshire County Council – 1
- 2.11 Overall cost and percentage of Pay Bill.

The Trade Union (Facility Time Publication Requirements) Regulations came into force on 1 April 2017, requiring public sector organisations who employ over 49 FTE employees to publish information relating to trade union usage and spend. The overall

spend within Derbyshire County Council, shown in both actual spend and as a percentage of the overall pay bill is detailed below.

| Year                  | 2017/18<br>£ | 2018/19<br>£ | 2019/20<br>£ | 2020/21<br>£ | 2021/22<br>£ | 2022/23<br>£ | 2023/24<br>£ |
|-----------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Cost of facility time | 274,604      | 283,357      | 232,892      | 186,714      | 142,748      | 178,646      | 166,275      |
| % of pay bill         | 0.09         | 0.08         | 0.07         | 0.05         | 0.05         | 0.05         | 0.04         |

The above regulations indicate that overall spend as a percentage of the pay bill varies throughout local authorities from 0% (comprising city, borough and district councils) to 0.42% (Coventry City Council).

2.12 Similar sized local authorities in the area have a higher percentage spend than Derbyshire, with both Nottinghamshire County Council and Leicestershire County Council's spend being 0.07% of their overall pay bill, and Leicestershire County Council's being 0.06% of their overall pay bill.

### 2.13 Trade Union Facilities

Trade Union representatives are currently afforded time off for the following duties, which includes, but is not limited to the following:

- Duties arising from membership of joint consultative committees including CJC, DJC, and approved sub committees,
- Individual representation,
- Consultation on organisational reviews and restructures,
- Health and safety inspections,
- Participation in the job evaluation process, and
- Trade union observation of recruitment panels.

Paid time off is also allowed for a limited amount of trade union activities (5 x stewards meeting per annum) although the remainder of trade union activities are unpaid.

An agreed amount of paid time off for training is allowed for within the time off agreement, primarily in relation to training for newly accredited representatives in order for reps to be able to carry out their duties effectively.

Paid time off is also granted to Union Learning Representatives although this is utilised to a very limited extent, and also each trade union may attend their national conference (the number of delegates related to total membership as detailed in the time off agreement).

Additional facilities granted to trade union representatives are as follows:

- Accommodation for meetings (subject to availability).
- Office accommodation (subject to availability. This currently comprises 2 rooms within the County Hall complex (shared between all trade unions including teaching unions) and one office based at Stonegravels depot.
- Shared noticeboards (subject to availability).
- Use of telephone (where available).
- Use of the council's email (where the representative is an authorised user – this must not be used for matters of canvassing or for promoting or assisting in industrial action).
- Deduction of trade union subscriptions at source (subject to employees' consent). There is currently a charge for this service.

### **3. Consultation**

3.1 The trade union recognition agreement and the associated appendices, including the time off agreement are currently subject to review having been in place since April 2021. Initial amendments have been suggested and shared with Unison, Unite and GMB. HR colleagues will meet with Regional Officers on 8 May 24, to progress this review.

3.2 The full set of documents to be considered are:

- The Recognition Agreement which acknowledges that the authority recognises certain trade unions for the purpose of collective bargaining.
- Appendix 1 of the agreement – The list of issues which are subject to either negotiation, consultation or engagement.
- Appendix 2 of the agreement – The time off and facilities agreement.
- Appendix 3 of the agreement – The consultative framework which outlines agreed departmental and corporate meetings with trade unions, their frequency, attendees and terms of reference.
- The role specification and associated time off for the joint trade union coordinator.

#### **4. Alternative Options Considered**

- 4.1 One option is to not review the Recognition Agreement and the relevant appendices at this time. However, the council committed to review this process by April 2024 as part of the original agreement, and it is in both the council's and the trade union interests to ensure that it remains relevant and fit for purpose.

#### **5. Implications**

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

#### **6. Background Papers**

- 6.1 None

#### **7. Appendices**

- 7.1 Appendix 1 – Implications  
7.2 Appendix 2 – Trade Union Recognition Agreement  
7.3 Appendix 3 – List of issues for negotiation, consultation and engagement  
7.4 Appendix 4 – Trade Union Time Off and Facilities Agreement  
7.5 Appendix 5 – Consultative Framework

#### **8. Recommendation(s)**

That Committee:

- a) Note the current situation regarding trade union time off and facilities and note the proposals to review the recognition agreement.

#### **9. Reasons for Recommendation(s)**

- 9.1 It is recognised good employment practice to regularly review employment procedures to ensure they remain effective and up to date.

**Report Author:** Tracey Wall

**Contact details:** [tracey.wall@derbyshire.gov.uk](mailto:tracey.wall@derbyshire.gov.uk)

## **Appendix 1**

### **Implications**

#### **Financial**

- 1.1 The cost of trade union time off for 2023/24 was £166,275 as noted in the body of the report.

#### **Legal**

- 2.1 Where a trade union is officially recognised by the employer, trade union representatives are entitled to reasonable paid time off to carry out their duties.

#### **Human Resources**

- 3.1 The trade union recognition agreement and associated documents are currently being reviewed as noted in 3.1 of this report.

#### **Information Technology**

- 4.1 No Information Technology implications.

#### **Equalities Impact**

- 5.1 No equalities implications.

#### **Corporate objectives and priorities for change**

- 6.1 This is relevant to the Council's strategic objective of providing high quality public services, by developing and engaging the council's workforce.

#### **Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

- 7.1 None

| <b>Trade Union Recognition Agreement</b>  |  |
|---|--|
| This agreement dated 1 May 2021   |  |
| PARTIES   |  |
| (1) Derbyshire County Council,, County Hall, Smedley Street, Matlock, Derbyshire , DE4 3AG; (“the Council”) |  |
| (2) UNISON, GMB and UNITE County Hall, Smedley Street, Matlock, Derbyshire, DE4 3AG (“the Trade Unions”)    |  |
| <b>1</b>  | <b>Introduction</b>  |
| 1.1   | The terms of this formal agreement are binding in honour only and do not constitute a legally enforceable agreement.   |
| 1.2   | The Trade Unions recognise that it is the Council’s responsibility to organise and manage its activities in order to fulfil its aims and objectives, which are to be a sustainable and successful Council that is accountable to our residents, our employees and our partner organisations. |
| 1.3   | The Council and the Trade Unions have common objectives to:  |
| 1.3.1   | Work together in a spirit of mutual trust and co-operation to ensure the efficiency and success of the Council with the view of delivering the Council’s aims and objectives;  |
| 1.3.2   | Build positive working relationships and promote effective employee relations including recognising and valuing the trade unions’ role in managing change, representing the views of staff and through negotiation avoid possible disputes;  |
| 1.3.3   | Encourage communication with the Council’s employees;  |
| 1.3.4   | Ensure that all employees are treated fairly and provided with fair access and treatment in employment.  |
| 1.3.5   | Support the consultative and negotiation framework and to develop our employment policies and practices; and;  |
| 1.3.6   | Seek to work together to resolve issues in accordance with the spirit of this agreement in a timely manner and at the lowest possible level, taking account of section 9.  |
| <b>2</b>  | <b>Purpose</b>   |
| 2.1   | The purpose of this agreement is to voluntarily establish formal recognition of the Trade Unions by the Council and to establish a framework for consultation and collective bargaining as defined in s. 178 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA).      |

|          |  |
|----------|--|
| 2.2      | The bargaining unit for which the Trade Unions shall be recognised comprises all employees of Derbyshire County Council, (the "Bargaining Unit") except those employed in schools where the Governing Board performs the function of the employer.   |
| 2.3      | Items for negotiation, consultation and engagement.<br>As detailed in Appendix 1.  |
| 2.4      | With regard to section 2.3 all negotiation, consultation and engagement is in relation to policies and procedures and does not include individual employees or cases.  |
| 2.5      | Agreements reached between the Council and the recognised Trade Unions by way of the recognised bargaining machinery, and where appropriate, will be incorporated into the contracts of staff employed by the Council.   |
| <b>3</b> | <b>Trade Union Membership</b>  |
| 3.1      | This formal agreement recognises the right of any individual employee to join a Trade Union, hold office within the Trade Union and benefit from trade union representation.   |
| 3.2      | Subject always to the Council receiving written and signed consent from any new employees who join the Bargaining Unit, the Council agrees that it will make reasonable efforts to inform the Trade Unions and give them the opportunity to communicate with such employees and provide them with the opportunity to become a member of a Trade Union. |
| 3.3      | Subject always to the Council receiving written and signed consent from the employee concerned, the Council agrees to make an appropriate deduction from the employee's salary, which the Council will pay to the Trade Union on the employee's behalf in lieu of the employee's Trade Union subscription fees.  |
| <b>4</b> | <b>Appointment of Trade Union Representatives</b>  |
| 4.1      | The Trade Unions agree that they will operate in accordance with the principles defined in the Trade Union Time Off Agreement attached at Appendix 2, including block time allocation of trade union time off based on trade union membership figures (Section 5 part b).  |
| 4.2      | The Council accepts that the Trade Unions' members will elect representatives in accordance with their union rules to act as their spokesperson in representing their interests.   |
| 4.3      | The recognition and facilities afforded by this agreement to any representative or official shall be withdrawn in the event that:  |

|           |  |
|-----------|--|
|           | <ul style="list-style-type: none"> <li>❖ The individual resigns the appointment for which the recognition and facilities have been granted, and/or is no longer a representative;</li> <li>❖ The Trade Union for which they are acting as a representative, notifies the Council, in writing, that the individual has ceased to be a representative or official; or</li> <li>❖ The individual is no longer employed by the Council.</li> </ul> |
| <b>5</b>  | <b>Responsibilities and duties of Trade Union representatives</b>  |
| 5.1       | The Council accepts that each representative of the Trade Unions will represent the interests of the Trade Union and trade union members within the Bargaining Unit, and as far as their duties in this capacity are concerned, they are subject to the control of the Trade Union represented, and at all times they are expected to carry out their duties in accordance with the Council's Code of Conduct.                                 |
| 5.2       | Any action taken by representatives of the Trade Union in good faith and in pursuance of their duties as a representative of the Trade Union shall not affect their employment or career prospects within the Council.   |
| 5.3       | The duties of the Trade Union representatives are as detailed in section 2 of the Trade Union Time Off Agreement attached at Appendix 2.   |
| 5.4       | It is the responsibility of the Trade Unions to ensure that their representatives are appropriately briefed on and trained in their duties, the rules and practices of their respective trade union, and the appropriate agreements and procedures and the practice of industrial relations generally.   |
| 5.5       | Without prejudice to clause 6 below in all other respects, the trade union representatives will conform to the same working conditions and duties of their fellow employees.   |
| <b>6.</b> | <b>Time off work for trade union duties and activities</b>   |
| 6.1       | Arrangements for time off work for trade union duties and activities, are set out in the Trade Union Time Off and Facilities Agreement June 2020 attached as Appendix 2 as amended, modified or updated from time to time.   |
| <b>7</b>  | <b>Facilities</b>  |
| 7.1       | Arrangements for the provision of facilities are set out in the Trade Union Time Off and Facilities Agreement April 2020 attached as Appendix 2.   |
| <b>8</b>  | <b>Consultative Framework</b>  |



|             |  |
|-------------|--|
| <b>8.1</b>  | The meeting framework and associated details including terms of reference are included in Appendix 3.  |
| <b>9</b>    | <b>Dispute Resolution</b>  |
| <b>9.1</b>  | It is expected that all matters will be resolved at the lowest level and all Parties agree to seek an informal resolution as best practice. Where there is a failure to agree on a recommendation, any unresolved matter should only be referred to an agreed external body when the local mechanisms have been fully exhausted, taking into account agreed time limits.                             |
| <b>9.2</b>  | Local mechanism includes submission of matters to the Appointments and Conditions of Service Committee, whose role and function includes to consider corporate disputes on terms and conditions of employment.   |
| <b>10</b>   | <b>Duration</b>  |
| <b>10.1</b> | This agreement takes effect from 1 May 2021 and shall continue unless modified by agreement in writing between both parties or terminated in whole or in part by either party giving the other not less than three months' notice in writing. Notice will only be given where parties have attempted to resolve any issues informally and have been unable to reach a mutually agreeable resolution. |
| <b>10.2</b> | On termination of the agreement in accordance with 10.1 the provisions detailed in section 2 will cease to have effect.  |
| <b>10.3</b> | This formal agreement will be subject to review after 3 years, and any modifications must be agreed in writing by all parties.   |
|             | Signed by  |
|             | [Signature on behalf of the organisation]  |
|             | Signed by: Emma Crapper – Director of Organisation Development and Policy  |
|             | <b>Unison</b>  |
|             | <b>GMB</b>   |
|             | <b>Unite</b>   |
|             | [Signature on behalf of the Trade Unions]<br>Emma Roberts - Unison<br>Jon Smith - GMB<br>Paula Stephens - Unite  |

## **Appendix 1 to Trade Union Recognition Agreement**

### **Matters for Negotiation, Consultation and Engagement**

2.3 Collective bargaining means negotiations relating to or connected with one or more of the matters specified in s. 178(2) Trade Union and Labour Relations (Consolidation) Act 1992. In recognising the Trade Unions, the Council will agree to negotiate with the Trade Unions on the following matters:

For the purposes of this agreement negotiation refers to discussions held between all parties with the aim of reaching a mutually acceptable agreement.

#### 2.3.1 Terms and conditions of employment, including;

- Pay and grading structure;
- Overtime and allowances;
- Weekend work and enhanced hours;
- Rest day payments for shift workers;
- Bank holiday payments;
- Standby duty;
- Recall to work;
- Sleep-in duty;
- Waking duty;
- Working week;
- Payment during absences;
- Annual leave entitlement;
- Sick pay scheme;
- Continuity of service for sick pay;
- Notice periods;
- Job Evaluation scheme;

The National Joint Council (NJC) for Local Government Services negotiates pay awards which Derbyshire County Council will reflect within Derbyshire Pay Scales.

This is the minimum and Derbyshire County Council has scope to increase benefits.

Where national pay agreements require any interpretation or deviation from this agreement, this will be subject to negotiation.

2.3.2 In addition to the agreement to negotiate with the Trade Unions on the matters specified in 2.3.1, the Council agrees to consult and engage with the Trade Unions on additional matters as outlined below.

### **Consultation**

For the purpose of this agreement, consultation refers to specific planned changes where the Council will share information and consider feedback on the following matters:

#### 2.3.3 Terms and conditions of employment including:

- Travel (journeys to be claimed and payment of travel expenses);

- Excess travel;
- Payment for additional duties;
- Pay protection;
- Overpayments;
- Flexible working hours scheme;
- Employee leave schemes and flexible working;
- Medical appointments;
- Grievance procedure;
- Harassment and bullying procedure;
- Attendance management procedure;
- Adverse weather policy;
- Capability procedure;
- No strike clause (in relation to grade 14 and above);
- Market supplement policy;
- Induction procedure;
- Performance management policy.

2.3.4 Engagement, non-engagement, suspension or termination of employment, including;

- Redundancy, redeployment, protection of earnings and buy out of hours policies;
- Fixed term contracts policy;
- Secondment policy;
- Departmental reviews and restructures;
- Recruitment and selection;
- TUPE transfers.

2.3.5 Allocation of work or duties

2.3.6 Disciplinary matters;

- Disciplinary procedure;
- Code of conduct for employees; (this includes confidentiality & information security, gifts and hospitality, political restriction, secondary employment, personal use of DCC facilities and equipment).

2.3.7 Trade union membership or non-membership.

2.3.8 Facilities for trade union officials including;

- Trade union time off and facilities agreement.

2.3.9 Machinery for negotiation or consultation and other procedures, relating to any of the above matters, including the recognition by employers or employers' association of the right of a trade union to represent employees in such negotiation or consultation or in the carry out of such procedures.

2.3.10 Matters not covered by the above including;

- Equalities issues;
- Health & Safety;
- Learning and development (policies);
- Job evaluation panels;
- No smoking policy;
- Substance misuse policy;
- Management of stress policy.

### **Engagement**

For the purposes of this agreement, engagement refers to sharing of information on the matters listed below and discussion on non-contractual matters with the aim of promoting positive employee relations.

#### 2.3.11

- Expenses;
- Telephone allowances;
- First aid allowances;
- Residential accommodation;
- Time off to attend interviews;
- Development & Training - guidance;
- Occupational health services, including counselling service, physiotherapy;
- Eye tests;
- Removal and relocation allowances;
- Employee benefits including car parking, cycle to work scheme, long service awards, give as you earn scheme;
- Mental health guidance;
- Sickness absence recording categories;
- Ill health retirement guidance.

Whilst the authority has attempted to cover all matters in relation to sections 2.3, it is recognised that this list is not exhaustive, and other matters will be added from time to time, and this will be subject to further consultation with the recognised trade unions.

# **Derbyshire County Council**

## **Trade Union Time Off and Facilities Agreement**

| <b>Version History</b> |             |   |                 |
|------------------------|-------------|---|-----------------|
| <b>Version</b>         | <b>Date</b> | <b>Detail</b>                                 | <b>Author</b>   |
| 1.0                    | 23/04/2009  | Agreed with Trade Unions                      | Nigel Hughes    |
| 2.0                    | 10/05/2019  | Initial draft                                 | Sharon Minshall |
| 3.0                    | 20/05/2019  | 2 <sup>nd</sup> draft                         | Sharon Minshall |
| 4.0                    | 01/07/2019  | 3 <sup>rd</sup> draft                         | Tracey Wall     |
| 5.0                    | 15/08/2019  | 4 <sup>th</sup> draft                         | Jen Skila       |
| 6.0                    | 11/09/2019  | 5 <sup>th</sup> draft                         | Sharon Minshall |
| 7.0                    | 18/09/2019  | 6 <sup>th</sup> draft                         | Sharon Minshall |
| 8.0                    | 24/10/2019  | 7 <sup>th</sup> draft                         | Tracey Wall     |
| 9.0                    | 18/12/2019  | 8 <sup>th</sup> draft                         | Sharon Minshall |
| 10                     | 05/02/2020  | Final Agreement amended to include Appendix 2 | Sharon Minshall |

| <b>Links and Dependencies</b> |
|-------------------------------|
|                               |
|                               |

## **Trade Union Time Off and Facilities Agreement**

### **1. Scope**

This Agreement applies to the following recognised trade unions:  
Unison, GMB, Unite, AEP, UCU, Aspect

It sets out the jointly agreed procedures for trade union time off and use of facilities and applies to trade union representatives who are members of those trade unions.

It does not apply to employees who are trade union representatives employed directly by schools as they are subject to a separate agreement.

The Director Organisation Development & Policy should be consulted for any clarification of the operation of the Agreement.

This Agreement does not provide time off to carry out roles in organisations other than Derbyshire County Council unless specifically agreed by the council.

### **2. Guiding Principles**

Derbyshire County Council is committed to:

- Recognising and valuing our unions for their role in managing change and their fundamental right to represent their members.
- Providing a reasonable amount of time off to enable the unions to effectively undertake their role.
- Ensuring that in facilitating trade union time off, the operational needs of the service can continue to be met in the employee's absence.

We expect our unions to:

- Recognise the need for Derbyshire County Council to be a sustainable and successful council that is accountable to our residents, our employees and our partner organisations.
- Be committed to working jointly to ensure decisions are made efficiently and in a timely way.
- Ensure that their representatives are equipped with the skills needed to effectively carry out their role.

Jointly we will endeavour to:

- Work together to deliver the Councils aims and objectives.

- Support the consultative and negotiation framework to ensure change is implemented fairly, at pace and to develop our employment policies and practices.
- Build positive working relationships and promote effective industrial relations.
- Ensure that trade union time off is used effectively and to avoid unnecessary costs in the provision and use of time and facilities.
- Operate within the provisions of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C) A 1992), the Employment Act 2002 and the ACAS Code of Practice on time off for trade unions duties and activities (including Guidance on Time Off for Union Learning Representatives) April 2003 and the Trade Union Act 2016.

### **3. Definition of Roles**

#### **Trade union regional officers**

An officer employed by the trade union, based at union regional office

#### **Trade union representatives**

An employee of the Council who has been elected or appointed to represent the members of one of the recognised trade unions within Derbyshire County Council

#### **Union learning representative**

A trade union representative with specific responsibility to promote and enable training and learning for employees of Derbyshire County Council.

#### **Health and safety representative**

A trade union representative with specific responsibility for health and safety issues within Derbyshire County Council.

### **4. Trade Union Duties**

Trade union representatives are permitted reasonable time off with pay to carry out trade union duties. These duties are summarised in the ACAS Code and in relation to Derbyshire County Council include but are not limited to:

- Duties arising from membership of joint consultative committees including CJC, DJC and approved sub-committee.
- Individual representation of employees in employment processes; for example, disciplinary, grievance, performance/attendance capability, individual representation in organisational reviews/restructures.
- Joint consultation on organisational reviews/restructures.
- Health and Safety inspections.
- Participation in job evaluation panels.
- Trade union observation of recruitment panels.



## 5. Time off Provision

### a. Time off for Individual Representation

A reasonable level of paid time off will be granted to trade union representatives to individually represent their members. This time off must be with prior management approval but this will not be unreasonably withheld.

Requests will normally need to be submitted at least 7 days in advance using the request form. It is recognised that there may be occasions when it is not possible to provide that amount of notice. In those circumstances, the trade union representative should contact their manager at the earliest opportunity to ascertain whether the time off may be taken and consideration of the needs of the service must be taken into account.

### b. Time off for Joint and Other Representative Duties

An allocation of 'block time' for trade union duties will be granted to each recognised trade union, for duties including but not limited to:

- Corporate and Departmental Consultative framework (framework to be reviewed for implementation in April 2021, with an interim time off provision to apply as detailed in Appendix 2).
- Attendance at job evaluation panels
- Health and Safety Inspections
- Formal Consultation
- Individual Representation

This provision will be allocated on the following basis (1 FTE equates to 1685 working hours per annum):

| <b>TU Membership Numbers</b> | <b>Block Time Allocation of up to:</b> |
|------------------------------|--|
| Up to 100                    | 1 day release per week                 |
| 100 - 500                    | 1 FTE                                  |
| 501 -1000                    | 1.5 FTE                                |
| 1001 -1500                   | 2 FTE                                  |
| 1501 – 2000                  | 2.5 FTE                                |
| 2001 – 2500                  | 3 FTE                                  |
| 2501 – 3000                  | 3.5 FTE                                |
| 3001 – 3500                  | 4 FTE                                  |
| 3501 – 4000                  | 4.5 FTE                                |
| 4001 - 4500                  | 5 FTE                                  |
| 4501 - 5000                  | 5.5 FTE                                |
| 5001 – 5500                  | 6.FTE                                  |
| 5501 - 6000                  | 6.5 FTE                                |

The allocation of the above 'block time' will be calculated in respect of employees paying trade union subscriptions via payroll and those paying by other means where

these are verified and notified to the Director Organisation Development & Policy. The allocation will only take account of current employees.

The calculation will take place annually on 1 January each year. No adjustments will be made for membership fluctuations within the intervening 12 month periods unless there is a significant reduction/increase in membership, subject to consultation between the Director Organisation Development & Policy and the respective Trade Union Regional Officer.

Each Trade Union will apportion its allocation to one or more of its representatives. The resulting names, roles and time allocations will be notified to the Director Organisation Development & Policy on an annual basis.

The responsibilities to be undertaken in the block time set out above are detailed in Appendix 1.

In order to retain flexibility and to facilitate organisational change, there may be occasions when there is a need for additional 'block time' off, for example, larger organisational reviews which involve in excess of 100 employees. In these circumstances, additional time off may be granted by the Director Organisation Development & Policy.

### **c. Time off for Trade Union Activities**

Examples of these activities are summarised in the ACAS Code and include branch, area or regional meetings of the union at which the business of the union is under discussion, meetings of official policy making bodies such as executive committees or annual conference and meetings with regional officers to discuss issues relevant to the workplace. Time off for trade union activities will be unpaid with the exception of the provisions set out in paragraphs f. and g. below

Requests for unpaid time off should be submitted, using the request form, to the trade union representative's line manager at least fourteen days in advance.

Employees who are members of a trade union recognised by the Council are permitted reasonable time off without pay during working hours to take part in trade union activity subject to the same approval process set out above.

There is no right to time off for trade union activities involving industrial action

### **d. Time off for Training**

Trade union representatives are permitted reasonable paid time off to undertake training relevant to their trade union role subject to the needs of the service, as detailed in Appendix 1.

Applications for paid time off to attend should include the course details and be submitted on the request form to the trade union representative's line manager at least 28 days in advance of the dates requested. The opportunity to shadow more experienced representatives can also form a valuable part of trade union training.

Requests for shadowing should be submitted to the line manager as set out in the paragraph above.

Applications for time off to attend training courses not covered by Appendix 1 should be approved by the trade union branch who will, where courses are considered appropriate, submit them to the line manager who should consult with HR before any approval is given. These will be considered on the grounds of course relevance and subject to the needs of the service.

#### **e. Time off for Union Learning Representatives (ULRs)**

Provided the trade union has given the employer appropriate notice in writing that the employee is a learning representative of the trade union and the appropriate training has been undertaken, representatives will be granted reasonable paid time off to undertake the duties of a Union Learning Representative; that will not normally exceed one day per month.

The scope of the duties will be as outlined in the ACAS Code of Practice on Time Off and the Council's Lifelong Learning Agreement on ULRs.

ULRs will also be permitted reasonable paid time off during working hours to undertake ongoing training relevant to their function, as outlined in the ACAS Code of Practice. Requests to attend training must be submitted to their line managers at least 28 days in advance of the dates requested.

#### **f. Time off to attend Trade Union Conferences**

Each recognised trade union may send representatives to one national conference per annum on the following basis:

|                     |             |
|---------------------|-------------|
| 0 – 2500 members    | 2 delegates |
| 2502 – 5000 members | 4 delegates |
| 5001 – 7500 members | 6 delegates |

Approval will be subject to the request for time off being submitted a minimum of 28 days in advance of the date. Only the applicable time off that falls during the representative's normal working hours will be paid up to a maximum of 5 days.

#### **g. Time off to attend Stewards Meetings**

Each recognised trade union will be permitted paid time off for accredited trade union representatives to attend up to five Stewards meetings per year for a maximum of 2 hours per meeting.

### **6. Recording of Trade Union Time Off**

All time off taken, paid and unpaid, within this agreement must be recorded via the trade union representative's usual time recording process using the appropriate codes. Codes will be jointly reviewed to ensure accurate and unambiguous reporting and agreed by October 2019.

The Council is required to publish information in relation to trade union time off to comply with the Transparency Code and the Trade Union (Facility Time Publication Requirement) regulations 2017

## **7. Accreditation and Constituencies**

Employees considering becoming a trade union representative are advised to discuss this with their manager at the earliest opportunity. The trade unions should advise the Shared Service Centre (SSC) when a trade union representative has been appointed to enable the approval process to be implemented. This notification should include:

- Name
- Workplace
- Date of appointment
- Constituency by reference to either employee group, establishment or section
- Name of any trade union representative replaced.

The Shared Service Centre (SSC) will consult HR and the line manager for approval. The number of trade union representatives requested and their constituencies should be taken into account.

Following approval from the employing department, the Shared Service Centre (SSC) will issue recognition together with a copy of this Agreement to the representative.

In the event that the employing department does not wish to approve the accreditation, the matter will be referred to HR.

A representative is accredited to represent those employees in the constituency to which he/she was elected.

The Council will only recognise trade union representatives who have been accredited in accordance with this procedure.

No trade union time off should be taken until accreditation has been formally confirmed by the County Council

Accreditation will cease when the appointment is terminated or the employee moves to another post or occupational group outside the agreed constituency.

The trade unions must provide an updated list of trade union representatives and their roles to the Director Organisation Development & Policy on an annual basis. Any changes that occur during the course of the year must also be notified to the Director Organisation Development & Policy.

## **8. Pay/Pension/Travel**

### **a. Pay**

An employee permitted to take time off for trade union duties is entitled to be paid for the time taken off at the appropriate hourly rate.

Trade union duties undertaken outside a representative's normal working hours will be in the representative's own time.

### **b. Pension**

Where time off without pay is authorised, pensionable service may be affected. The representative should contact HR for advice.

### **c. Travel**

Representatives are entitled to claim travel expenses at public transport rate to attend trade union meetings with the Council.

## **9. Part-Time Employees**

Where part-time employees, who are accredited trade union representatives, attend a course of training and the time spent exceeds the normal working hours, the employees will receive payment for the entirety of the course.

## **10. Trade Union Facilities**

The Council recognises that trade union officials require access to certain facilities to carry out their duties efficiently and communicate effectively with their members. These are set out below:-

Facilities for which there is no charge to the trade unions are:

|  |   |
|--|---|
| Accommodation for meetings and interviews (except in the case of schools or other buildings where letting fees may apply after 6.00 pm)  | Subject to availability   |
| Office accommodation   | Subject to availability   |
| Provision of notice boards - multi-union where possible  | Subject to availability   |
| Lists of new employees   |   |
| Use of telephone – reasonable access in privacy  | Council work to take precedence.<br>Executive Directors to keep use under review. |
| Use of the council's e-mail – where the trade union representative has access as an authorised user and must be on matters of representation and not for canvassing or for promoting or assisting industrial action. | Council work to take precedence.<br>Executive Directors to keep use under review. |

|   |  |
|---|--|
| Use will be subject to the Council's Policy on the Use of Internet and E-Mail which all representatives should familiarise themselves with. |  |
|---|--|

Representatives should note:

- E-mail is not a secure way of exchanging private, confidential, personal or sensitive information.
- Representatives should not encourage persons other than business contacts and associates to send e-mail to their business e-mail address.
- Representatives should not forward e-mails to large groups or lists of people indiscriminately.

The Council reserves the right to impose a charge if, in practice and after consultation with the trade unions, it is considered appropriate.

### **11. Subscriptions**

Deduction of trade union subscriptions on behalf of members is subject to the individual employee's consent and to a percentage recharge to the individual trade unions as determined by the Council.

### **12. Review**

A review of the operation of this Agreement will commence 6 months after its initial implementation. This review will be undertaken jointly. Any revisions to the agreement, sought by either side, should be agreed within 3 months of the commencement of the review. If agreement is not reached within this period (unless agreed otherwise by both parties) the Agreement will cease and trade union time off will be determined in accordance with the ACAS code.

If agreement is reached, this Agreement will remain subject to review at the request of either side. If no request for review is made, then the Agreement will be subject to review on a bi-annual basis. Again, any revisions to the Agreement should be agreed within 3 months of the commencement of the review. If agreement is not reached within this period, (unless agreed by both parties) the Agreement will cease and trade union time off will be determined in accordance with the ACAS code.

### **13. Disputes/Appeals**

All efforts should be made to resolve any disputes on the operation of this agreement at an informal level. In cases where this has not been possible then the matter will be referred by the Executive Director to the Director of Organisation Development & Policy who will consult with the relevant trade union, in accordance with the respective trade union scheme of delegations. Any dispute that cannot be resolved at this level will be referred to the council's Appointments Conditions of Service Committee (ACOS).

## Appendix 1

### Time Off for Trade Union Training

Derbyshire County Council has given specific approval for paid time off for accredited representatives, subject to consideration of the needs of the service.

#### Unison

##### Newly accredited representatives

|   |   |        |
|---|---|--------|
| The Organising Steward                                    | – | 5 days |
| Advanced representatives                                  |   |        |
| Advanced Representation, Campaigning & Negotiating Skills | – | 5 days |
| Reaccreditation (every 5 years)                           | – | 2 days |

##### Health & Safety

|   |   |        |
|---|---|--------|
| Organising for Safety                                     | - | 5 days |
| Advanced Representation, Campaigning & Negotiation Skills | - | 5 days |

#### Unite

##### Newly accredited representatives

|   |   |                    |
|---|---|--------------------|
| Workplace reps Introductory Certificate | – | Module 1A – 5 days |
|   |   | Module 1B – 5 days |

##### Health & Safety

|   |   |                    |
|---|---|--------------------|
| Health & Safety Health & Safety representatives certificate | – | Module 1A – 5 days |
| Health & Safety representatives certificate                 | – | Module 1B – 5 days |

#### GMB

Newly accredited representatives – 10 days

## **Appendix 2**

### **Interim time off provision to support the Corporate Joint Committee**

A comprehensive joint review of the Council's joint consultative framework, both at a corporate and departmental level is to be undertaken with the aim for implementation of any changes from 1<sup>st</sup> May 2021.

This allows for 2 days per week paid trade union time off in addition to the block time allocation detailed in section 5 of this agreement to support one trade union representative to act as Joint Trade Union Secretary for Corporate Joint Committee. The identification of the individual trade union representative is a matter for the collective trade unions to determine and includes co-ordination of the trade union report for the Corporate Joint Committee.



## Employee Relations Information and Engagement Structure

### Corporate Joint Committee (Strategic)

**Purpose:** To consider consult and inform on all employee relations matters of strategic and corporate importance, which have implications on the workforce relating to more than one department

| Meeting      | Frequency per annum | TU Attendance                                   | Management Attendance   | Elected Member Attendance   | Planned Dates  |
|--------------|---------------------|---|---|---|--|
| CJC          | Quarterly           | 4 x Unison<br>2 x GMB<br>2 x Unite<br>1 x other | Managing Executive Director<br>Director of OD & Policy<br>Assistant Director HR<br>Head of HR Operations<br>Head of Wellbeing | Cabinet Member for Corporate Services<br>Cabinet Support Member for Corporate Services<br>1 x Minority Group Member | 4 November 2021<br>27 January 2022<br>14 April 2022<br>14 July 2022<br>13 October 2022<br>19 January 2023<br>20 April 2023 |
| H&S subgroup | Quarterly           | 4 x Unison<br>2 x GMB<br>2 x Unite<br>1 x other | Managing Executive Director<br>Director of OD & Policy<br>Assistant Director HR<br>Head of HR Operations<br>Head of Wellbeing | Cabinet Member for Corporate Services<br>Cabinet Support Member for Corporate Services<br>1 x Minority Group Member | 4 November 2021<br>27 January 2022<br>14 April 2022<br>14 July 2022<br>13 October 2022<br>19 January 2023<br>20 April 2023 |

### Departmental Joint Committees (Operational)

**Purpose:** Strategic and operational issues relating to a single department, e.g. transformation, financial updates, changes to ways of working

| Meeting                                   | Frequency per annum | TU Attendance                      | Management Attendance  | Elected Member Attendance  | Planned Dates  |
|---|---------------------|------------------------------------|--|--|--|
| Childrens Services – DJC                  | 6 weekly            | 2 x Unison<br>2 x GMB<br>2 x Unite | Service Director<br>Senior HR Business Partner<br>Business Services Manager (for relevant standing items)<br>H&S Rep (to provide regular update)<br>Other managers as required depending on agenda | Cabinet Member for Young People – invited<br>Cabinet Support Member for Young People – invited | 8 September 2021<br>20 October 2021<br>1 December 2021 |
| Adult Social Care & Health - DJC          | Quarterly           | 2 x Unison<br>2 x GMB<br>2 x Unite | Deputy Director<br>Assistant Director<br>Senior HR Business Partner  |  | 24 September 2021<br>3 December 2021                   |
| Commissioning, Communities & Policy – DJC | Quarterly           | 2 x Unison<br>2 x GMB<br>2 x Unite | DMT<br>Senior HR Business Partner  |  | TBC  |
| Place – DJC                               | Quarterly           | 2 x Unison<br>2 x GMB<br>2 x Unite | DMT<br>Senior HR Business Partner  |  | 2 September 2021<br>2 December 2021                    |

**Sub-Groups – Matters of routine (Routine)**

**Purpose:** Subgroups set up either on a continuous basis, or as and when required to consider routine / day to day operational issues across the department

| Meeting  | Frequency per annum  | TU Attendance                      | Management Attendance   | Elected Member Attendance | Planned Dates                      |
|--|--|------------------------------------|---|---------------------------|------------------------------------|
| Childrens Services H&S Subgroup                                      | Tri-annual   | 2 x Unison<br>2 x GMB<br>2 x Unite | Service Director<br>Health & Safety Manager   |                           | TBC                                |
| Adult Care – H&S Subgroup  | Quarterly  | 2 x Unison<br>2 x GMB<br>2 x Unite | Assistant Director<br>Health & Safety Manager<br>HR Business Partner                      |                           | TBC                                |
| Adult Care - Direct Care and Prevention and Personalisation Subgroup | Bimonthly  | 2 x Unison<br>2 x GMB<br>2 x Unite | Assistant Director<br>Senior HR Business Partner or<br>HR Business Partner                |                           | TBC                                |
| Adult Care – Public Health Subgroup                                  | Tri-annual   | 2 x Unison<br>2 x GMB<br>2 x Unite | Service Director<br>Group Manager<br>Senior HR Business Partner or<br>HR Business Partner |                           | TBC                                |
| CCP – H & S Subgroup   | Every 6 months (2 quarterly reserve dates for any urgent issues) | 2 x Unison<br>2 x GMB<br>2 x Unite | Director Community Services<br>Director Property<br>Health & Safety Manager               |                           | TBC                                |
| CCP – Craft Group  | Every 6 months (2 quarterly reserve dates for any urgent issues) | 2 x Unison<br>2 x GMB<br>2 x Unite | AD Property<br>Head of Repairs and Maintenance<br>HR Business Partner                     |                           | TBC                                |
| Place – H&S Subgroup   | Quarterly  | 2 x Unison<br>2 x GMB<br>2 x Unite | DMT<br>Health & Safety Manager  |                           | TBC                                |
| Place – Highways Subgroup  | Quarterly  | 2 x Unison<br>2 x GMB<br>2 x Unite | HLT<br>HR Business Partner  |                           | TBC                                |
| Place – Vehicle & Plant Subgroup                                     | Bi-annual  | 2 x Unison<br>2 x GMB<br>2 x Unite | Environment & Transport LT<br>Departmental Leads<br>HR Business Partner                   |                           | 17 August 2021<br>16 November 2021 |

**Workstreams (Operational) - HR Operations, Reward & Resourcing, Learning & Development, Wellbeing**

**Purpose:** To provide forums for consultation, negotiation and agreement on employment policies and initiatives

| Meeting                           | Frequency per annum | TU Attendance  | Management Attendance   | Planned Dates (TBC)   |
|-----------------------------------|---------------------|--|---|---|
| HR Operations workstream          | Quarterly           | Secretary of CJC<br>2 x Unison<br>2 x GMB<br>2 x Unite | Head of HR Operations<br>Advice & Support Manager<br>ER & Policy Lead                           | 13 October 2021<br>25 November 2021<br>24 February 2022<br>19 May 2022  |
| Learning & Development workstream | Quarterly           | Secretary of CJC<br>2 x Unison<br>2 x GMB<br>2 x Unite | Head of Learning & Development<br>Training Design & Delivery Manager                            | 9 September 2021<br>24 November 2021<br>2 March 2022<br>10 May 2022     |
| Wellbeing workstream              | Quarterly           | Secretary of CJC<br>2 x Unison<br>2 x GMB<br>2 x Unite | Head of Health, Safety & Wellbeing<br>Health & Safety Manager<br>Lead Occupational Health Nurse | 25 November 2021<br>24 February 2022<br>19 May 2022                     |
| Reward & Resourcing workstream    | Quarterly           | Secretary of CJC<br>2 x Unison<br>2 x GMB<br>2 x Unite | Head of Reward & Resourcing<br>Pay & Reward Manager   | 1 September 2021<br>24 November 2021<br>16 February 2022<br>11 May 2022 |

## **Terms of Reference**

### **Corporate Joint Committee**

#### **Principles**

All parties will work in partnership to promote open and transparent communication to allow full and collaborative negotiation, consultation and engagement to support the council in achieving its aims and objectives as outlined in the Council Plan. The council's strategic programmes are:

- Enterprising Council - working within our organisation to succeed;
- Vision Derbyshire – working with our partners to succeed;
- Thriving Communities – working with our communities to succeed.

#### **Functions**

CJC is a strategic, consultative body which will share information with trade unions on matters which are council wide and have implications for more than one department, including:

- Facilitating productive dialogue on the council's transformation change agenda;
- Consideration and advice on any relevant matters referred to it by Cabinet, ACOS, or Departmental Joint Committee;
- To receive minutes from all Departmental Joint Committees and Joint Consultative Committees;
- To receive regular updates from CJC Workstream groups;
- To consider trade union matters relating to strategic priorities;
- To minimise workplace conflict and disputes.

Functions of the CJC may be delegated to Departmental Joint Committees (DJC) and/or Workstream groups as appropriate, and include:

- Negotiation, consultation and engagement, in accordance with the trade union recognition agreement, on employee relations matters and terms and conditions of employment;
- Provide advice and make recommendations to ACOS and or Cabinet / CMT.

The council commits to sharing relevant information, in a timely manner, with the trade unions to enable them to effectively communicate and consult with their members.

The trade unions commit to using that information, respecting confidentiality, to enable their representatives to consult with their members, and provide feedback within agreed timescales.

#### **Membership**

Refer to meeting framework.

Advisors can be invited to attend for both parties, to give advice or in accordance with the agenda.

#### **Frequency of meetings**

The CJC will meet quarterly.

An Annual General Meeting will be held which will:

- Elect the Chair and Vice Chair for the following 12 months;
- Agree dates for the following years CJC meetings;
- Receive an annual report prepared by the Managing Executive Director;
- Receive shared priorities for the following year prepared jointly by the Managing Executive Director and the trade unions;

#### **Exclusions**

Excluded from the above functions are:

- Any matter which in accordance with the National Scheme of Conditions of Service are to be referred to the East Midlands Council (RJC);
- Any issues relating to individual employees.

#### **Chair**

The Chair and Vice Chair will alternate between the employers and the trade unions each year. If the Chair appointed is an Elected Member, the Vice Chair will be appointed from the trade unions and vice-versa. When the JTU's are to Chair or Vice Chair, they will advise the Committee of the name of Chair or Vice Chair prior to the CJC and after their pre-meeting.

#### **Administration**

The council will provide minutes of each meeting and provide support services as appropriate, including maintaining a formal record of agreement and non-agreement.

To facilitate communication between the council and the recognised trade unions in relation with the CJC and associated HR Workstreams, the Employee Relations and Policy Lead will liaise with the Secretary to the CJC.

#### **Review**

These terms of reference will be reviewed after 3 years (in line with the trade union recognition agreement).

## Terms of Reference

### Corporate Joint Committee – Health, Safety and Wellbeing Sub-Group

#### Principles

All parties will work in partnership to promote open and transparent communication to allow full and collaborative negotiation, consultation and engagement to support the council in achieving its aims and objectives as outlined in the Council Plan. The council's strategic programmes are:

- Enterprising Council – working within our organisation to succeed;
- Vision Derbyshire – working with our partners to succeed;
- Thriving Communities – working with our communities to succeed.

#### Functions

Health, Safety and Wellbeing sub-group is a strategic, consultative body which will share health, safety and wellbeing information with trade unions on matters which are council wide and have implications for more than one department, including:

- Facilitating productive dialogue on the council's transformation change agenda;
- Consideration and advice on any relevant matters referred to it by Cabinet, ACOS, Wellbeing Workstream or Departmental Health & Safety Sub-Groups;
- To receive minutes from all Departmental Health & Safety Sub-Groups;
- To consider trade union matters relating to strategic priorities;
- To minimize workplace conflict and disputes;
- To determine council wide matters relating to health, safety and wellbeing;
- To monitor health and safety performance within the Authority through the review of accident statistics, annual health and safety reports and any other reports as may be appropriate;
- To receive reports on new legislation and/or significant risks which may affect the Authority and/or its employees.

Functions of the sub-group may be delegated to Departmental Health and Safety sub-groups and / or the Health, Safety and Wellbeing Workstream group as appropriate, and include:

- Negotiation, consultation and engagement, in accordance with the trade union recognition agreement, on health and safety and wellbeing matters;
- Provide advice and make recommendations to ACOS and or Cabinet / CMT.

The council commits to sharing relevant information, in a timely manner, with the trade unions to enable them to effectively communicate and consult with their members.

The trade unions commit to using that information, respecting confidentiality, to enable their representatives to consult with their members, and to provide feedback within agreed timescales.

#### Membership

Refer to meeting framework.

Advisors can be invited to attend for both parties, to give advice or in accordance with the agenda.

#### Frequency of meetings

The Health, Safety and Wellbeing sub-group will meet quarterly.

An Annual General Meeting will be held which will:

- Elect the Chair and Vice Chair for the following 12 months;
- Agree dates for the following years Health, Safety and Wellbeing sub groups meetings;

#### Exclusions

Excluded from the above functions are:

- Any matter which in accordance with the National Scheme of Conditions of Service are to be referred to (*the East Midlands Council (RJC)*);
- Any issues relating to individual employees.

#### Chair

The Chair and Vice Chair will alternate between the employers and the trade unions each year. If the Chair appointed is an Elected Member, the Vice Chair will be appointed from the trade unions and vice-versa. When the JTU's are to Chair or Vice Chair, they will advise the Committee of the name of Chair or Vice Chair prior to the Health & Safety Sub-Group and after their pre-meeting.

#### Administration

The council will provide minutes of each meeting and provide support services as appropriate, including maintaining a formal record of agreement and non-agreement.

#### Review

These terms of reference will be reviewed after 3 years (in line with the trade union recognition agreement).

## Terms of Reference

### Departmental Joint Committees

#### Principles

All parties will work in partnership to promote open and transparent communication to allow full and collaborative consultation and engagement to support the Department in achieving its aims and objectives as outlined in the Council Plan and the Service Plan. The council's strategic programmes are:

- Enterprising Council – working within our organisation to succeed;
- Vision Derbyshire – working with our partners to succeed;
- Thriving Communities – working with our communities to succeed.

#### Functions

DJC is an operational, consultative body which will share information with trade unions on matters which are limited to and have implications for the department only, including:

- Facilitating productive dialogue on the council's transformation change agenda as it affects the department;
- Consideration and advice on any relevant matters referred to it by Cabinet, or CJC relating to the department;
- To receive minutes from all departmental sub-groups;
- To consider trade union matters relating to departmental issues;
- To minimise workplace conflict and disputes.
- Consultation and engagement, on employee relations matters relating solely to the department;
- Provide advice and make recommendations to Cabinet / DMT.
- To be the decision making body for relevant departmental issues that do not require further authorisation from Cabinet / DMT.

Functions of the DJC may be delegated to departmental sub-groups as appropriate.

The department commits to sharing relevant information, in a timely manner, with the trade unions to enable them to effectively communicate and consult with their members.

The trade unions commit to using that information, respecting confidentiality, to enable their representatives to consult with their members, and provide feedback within agreed timescales.

#### Membership

Refer to meeting framework.

Advisors can be invited to attend for both parties, to give advice or in accordance with the agenda.

#### Frequency of meetings

The DJC will meet quarterly.

An Annual General meeting will be held which will:

- Elect the Chair and Vice-Chair for the following 12 months;
- Agree the dates for the following year's DJC meetings;
- Review work completed and future items.

#### Exclusions

Excluded from the above functions are:

- Any issues relating to individual employees;
- Any matter in relation to more than one department of the council, which should be referred to CJC and/or Workstream as appropriate.

#### Chair

The Chair and Vice Chair will alternate between the employers and the trade unions each year. If the Chair appointed is representing the department, the Vice Chair will be appointed from the trade unions and vice versa. When the JTU's are to Chair or Vice Chair, they will advise the Committee of the name of Chair or Vice Chair prior to the DJC and after their pre-meeting.

#### Administration

The department will provide minutes of each meeting and provide support services as appropriate, including maintaining a formal record of agreement and non-agreement.

#### Review

These terms of reference will be reviewed after 3 years (in line with the trade union recognition agreement).

## Terms of Reference

### DJC Sub Groups (including Health and Safety Sub Groups)

#### Principles

All parties will work in partnership to promote open and transparent communication to allow full and collaborative consultation and engagement to support the Department in achieving its aims and objectives as outlined in the Council Plan and the Service Plan. The council's strategic programmes are:

- Enterprising Council – working within our organisation to succeed;
- Vision Derbyshire – working with our partners to succeed;
- Thriving Communities – working with our communities to succeed.

#### Functions:

DJC sub-groups are consultative bodies which will share information on routine, day to day operational issues with trade unions on matters which are limited to and have implications for the specific areas relevant to the sub group only, including:

- To consider trade union matters relating to the areas covered by the sub-group;
- To be the decision making body for specific areas relevant to the sub-group for issues that do not require further authorisation from DMT / DJC; where agreement cannot be reached, such matters to be referred to the DJC for resolution;
- Consideration and advice on any relevant matters referred to it by the DJC;
- To minimise workplace conflict and disputes;

The department commits to sharing relevant information, in a timely manner, with the trade unions to enable them to effectively communicate and consult with their members.

The trade unions commit to using that information, respecting confidentiality, to enable their representatives to consult with their members, and provide feedback within agreed timescales.

#### Membership

Refer to meeting framework

Advisors can be invited to attend for both parties, to give advice or in accordance with the agenda.

#### Frequency of Meetings

Refer to meeting framework

#### Exclusions

Excluded from the above functions are:

- Any issues relating to individual employees;

#### Chair

Each sub-group will be chaired by the relevant Director / Assistant Director / Service Director.

#### Administration

The department will provide minutes of each meeting and provide support services as appropriate, including maintaining a formal record of agreement and non-agreement.

#### Review

These terms of reference will be reviewed after 3 years (in line with the trade union recognition agreement).

## Terms of Reference

### CJC Workstreams

#### Principles

All parties will work in partnership to promote open and transparent communication to allow full and collaborative negotiation, consultation and engagement to support the council in achieving its aims and objectives as outlined in the Council Plan. The council's strategic programmes are:

- Enterprising Council - working within our organisation to succeed;
- Vision Derbyshire – working with our partners to succeed;
- Thriving Communities – working with our communities to succeed.

CJC Workstreams will be aligned to HR functions and are currently:

HR Operations

Reward and Resourcing

Wellbeing

Learning and Development

#### Functions

To provide forums for negotiation, consultation, and engagement, in accordance with the trade union recognition agreement, on employee relations matters and terms and conditions of employment, including the development and revisions to employment policies;

To provide advice and make recommendations to ACOS and / or Cabinet / CMT

#### Membership

Refer to meeting framework.

The lead representative from both the Council and the trade unions should aim to be present at all meetings of the Work Stream to ensure continuity.

Other nominees to be invited to attend to speak to particular items as pertinent to business under consideration and on a prior invitation basis.

#### Frequency of meetings

Meetings of each Workstream will take place quarterly, and be aligned with the CJC.

Additional meetings may be called where necessary to achieve completion of specific projects or for urgent items.

#### Exclusions

Excluded from the above functions are:

- Any matter which in accordance with the National Scheme of Conditions of Service are to be referred to the East Midlands Council (RJC);
- Any issues relating to individual employees.

#### Chair

Each Workstream will be chaired by the relevant Head of Function.

#### Administration

The council will provide minutes of each meeting and provide support services as appropriate, including maintaining a formal record of agreement and non-agreement, and provision of updates to CJC.

To facilitate communication between the council and the recognised trade unions in relation with CJC and associated Workstreams, the Employee Relations and Policy Lead will liaise with the Secretary to the CJC.

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