

EAST AYRSHIRE COUNCIL

CABINET – 2 JUNE 2010

OUTCOME OF GRIEVANCE APPEAL BY JOINT TRADE UNIONS IN RELATION TO REVISED CONDITIONS OF SERVICE FOR LOCAL GOVERNMENT EMPLOYEES

Report by the Executive Director of Finance and Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise Cabinet of the outcome of the Joint Trade Unions Grievance Appeal in relation to the proposed revised conditions of service for Local Government Employees and, to recommend further action in order to progress the implementation of the revised conditions of service.

2. BACKGROUND

- 2.1 At its meeting on 21st April 2010 Cabinet, having considered a report containing details of the outcome of Trade Unions consultations with their members on the proposed revised conditions of service for Local Government Employees, agreed:
- (i) to note the submission from the Trade Unions following their consultations with their members;
 - (ii) to refer the matter to an Appeals Panel to consider representations from the Trade Unions;
 - (iii) to note that no action would be taken until a further report has been submitted to Cabinet following the outcome of the Appeals Panel; and
 - (iv) otherwise, to note the contents of the report

3. GRIEVANCE APPEAL

- 3.1 Following the Cabinet meeting on 21st April 2010, a Grievance Appeals Panel was convened to consider representations from the Joint Trade Unions. This Appeals Panel met on 20th May 2010.
- 3.2 The Appeals Panel considered the written and verbal representations made by the Joint Trade Unions and a Management representative of the Council. By majority, the Appeals Panel accepted that the grounds of the appeal, as submitted to them at that time, were substantiated to the extent that they determined that there should be further consultation and negotiation in respect of the disputed issues and accordingly the Appeals Panel proposed that a further 90 day period be allowed to facilitate such further consultation and negotiation.
- 3.3 In coming to this conclusion, the Appeals Panel noted that consultation and negotiation with the Trade Unions had already resulted in some agreement being reached in relation to the proposals put forward by the Council.

- 3.4 As a consequence, the Appeals Panel hoped that given the progress already made, a further 90 day period for consultation and negotiation would provide parties with the opportunity:
- (i) to resolve (if possible) the disputed matters which included the cash conservation (pay protection) period, car mileage allowance, overtime rates and the issue of job redesign/service development; and
 - (ii) to carry out further option appraisal/modelling work.

4. FINANCIAL IMPLICATIONS

- 4.1 As previously reported to Cabinet, as a result of the 3 year preservation provisions, the Council will not be able to achieve maximum savings until August 2013. The savings associated with the council's proposals at this time are estimated at approximately £65,625 per annum. After the expiry of the three year preservation period the annual saving to the Council of the revised terms and conditions is estimated to be around £600,000. Accordingly, any additional period allowed for extended consultation and negotiation will further delay the timescale for realisation of the associated financial savings.

5. POLICY/LEGAL IMPLICATIONS

- 5.1 The Grievance Appeals Panel is unable to implement its decision given that it has no authority within the terms of the Council's Scheme of Delegation to make any decision that would impact upon a policy like, the implementation of revised terms and conditions of service for Local Government employees. Cabinet is therefore asked to consider the decision of the Appeals Panel.

6. RECOMMENDATIONS

- 6.1 Cabinet is recommended to:-
- (i) note the views and decision of the Appeals Panel;
 - (ii) give consideration to the decision of the Appeals Panel outlined in Section 3 of this report and determine an appropriate course of action;
 - (iii) to otherwise note the contents of the report.

Alex McPhee
Executive Director of Finance and Corporate Support
25 May 2010
AMcP/CY

Members wishing further information should contact Craig Young, Team Leader Litigation and Advice, Tel: (01563) 576220
Implementation Officer: Martin Rose, Head of Human Resources