

Governance Committee	
20 May 2020	Part I
Unison Recognition	
Report by Director of Human Resources and Organisational Change	

Summary

Unison has requested recognition for negotiating the annual pay review for employees on SMG4, HAY; and Public Health/Agenda for Change grades. Under current arrangements this is a local decision of the Chief Executive.

Recommendation

The report seeks the approval of the Governance Committee for the Director of Human Resources and Organisational Change to enter into and maintain a recognition agreement with Unison to include recognition rights for employees on HAY; and Public Health/Agenda for Change grades for pay reviews.

Proposal

1. Background and Context

- 1.1 The County Council does not have a formal recognition agreement with Unison although recognition has been exercised through practice over many years, for example through entering onto collective agreements on terms and conditions and consultation over proposed redundancies and business transfers (TUPE).
- 1.2 Annual cost of living pay reviews for most employees are undertaken through national collective bargaining which is incorporated into individual contracts of employment. Employees on SMG4, HAY; and Public Health/Agenda for Change terms and conditions (approximately 420 employees) are not covered by these national arrangements. Pay reviews for these employees is a local decision made by the Chief Executive, after direct consultation with individual employees. Although Unison is consulted during this process there is no formal negotiation with Unison as part of the process.
- 1.3 In September 2018 Unison requested recognition for employees on SMG4, HAY; and Public Health/Agenda for Change terms and conditions. Unison's request followed a contentious pay review in summer 2018 and was specifically for recognition regarding the local and annual pay review and for any proposals for variation to pay systems. This is the first stage in a process that can lead to a statutory declaration of union recognition through the Central Arbitration Committee.
- 1.4 Initial progress in discussing recognition stalled as the relationship with Unison became increasingly strained. Progress recommenced over the

summer 2019 and a draft agreement was reached but progress was paused pending appointment of a new Chief Executive and the Director of Human Resources and Organisational Change.

2. Proposal

- 2.1 It is proposed to enter into a voluntary recognition agreement with Unison covering employees on: National Joint Council for Local Government Services (Green Book) terms and conditions; on Hay pay grades; and on NHS Agenda for Change/Public Health terms and conditions. It is not proposed to include employees on Senior Management Grades (SMG).
- 2.2 The proposed agreement will:
 - a) Introduce recognition for pay purposes for employees on Hay grades and Public Health Agenda for Change terms and conditions (this is already in place for Green Book staff). This will mean that any future cost of living pay awards or changes to pay structures for this group, will be negotiated with Unison rather than directly with employees.
 - b) Document and clarify the groups of employees that Unison is recognised for, regarding redundancy consultation and business transfers (TUPE); clarifying what has been the practice in the County Council for many years.
 - c) Set out trade union facility time arrangements.
- 2.3 Other than introducing recognition for pay reviews for employees on Hay and Public Health Agenda for Change grades the proposed recognition agreement will not change current practices. It will regularise current arrangements which are not documented and provide clarity in areas which in the past have been disputed.
- 2.4 Entering into a voluntary agreement will avoid the likelihood of Unison seeking statutory recognition through the Central Arbitration Committee. It will also be a constructive step in re-building a relationship that had become strained and signal the intention of a more positive engagement with Unison which is valuable as we move forward with delivering on our priorities and service improvement plans.

3. Resources

- 3.1 There are no specific resource requirements from the proposal.

Factors taken into account

4. Consultation

- 4.1 Discussions have taken place with Unison and a draft recognition agreement has been agreed in principle.
- 4.2 For employees on Hay and Public Health Agenda for Change grades, the proposal will mean that future pay reviews will be negotiated with Unison rather than consulting all postholders individually. Postholders are currently being consulted and the ways forward will be re-evaluated should the

consultation indicate that there may not be overwhelming support for Unison to be recognised.

5. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
The employee group are not supportive of the proposal	Consultation with the employee group is underway and the proposal will be reconsidered if employees on Hay and Agenda for Change terms and conditions are not supportive of the proposal
Unison seeks and obtains statutory recognition (which might extend to employees on SMG4 grades).	Entering into a voluntary agreement will prevent the statutory process being pursued, avoid time and money responding to this statutory process and keep the County Council in greater control of the outcome.
The pay negotiations with Unison become unwieldy and the improved relationship with Unison does not materialise.	The proposed agreement will contain provision for either party to service six months' notice to end the agreement.

6. Other Options Considered

- 6.1 The option exists to decline Unison's request in which case an application to the Central Arbitration Committee (CAC) for statutory recognition can be expected. Time and resources will need to be invested in responding to this process and there is a strong likelihood that statutory recognition will be granted and possibly including the SMG4 group (they are excluded from the current voluntary proposal). A return to a more challenging relationship with Unison could also be expected at a time when we are seeking positive engagement and wishing to take the trade unions with us on our improvement journey.
- 6.2 An alternative consideration would be to offer an undertaking that future pay awards for Hay and Agenda for Change employees will reflect nationally negotiated cost of living pay reviews. Whilst this would have the advantage of removing a need for separate pay bargaining arrangements with Unison, it would limit the flexibility to seek outcomes that better reflect the County Council's priorities. Neither would it enable the same opportunity to regularise existing recognition arrangements that are not documented.

7. Equality Duty

- 7.1 There are no specific equality implications arising from the proposal.

8. Social Value

- 8.1 There are no specific implications.

9. Crime and Disorder Act Implications

8.2 There are no specific implications.

10. Human Rights Implications

8.3 There are no specific implications.

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Background Papers

None