

**Denbighshire County Council
Joint Consultative Committee for Health and Safety and Employee Relations
Constitution and Functions**

1. TITLE AND PURPOSE

The Committee shall be called the “Joint Consultative Committee for Health and Safety and Employee Relations” hereinafter called the ‘committee’ and it shall consider all matters relating to human resources and corporate health, safety and well-being previously undertaken by the Local Joint Consultative Forum and the Corporate Health, Safety and Welfare Committee.

For HR matters the committee has jurisdiction for all Denbighshire County Council employees, other than teachers (who have their own forum), JNC Chief Officers and the Chief Executive. The purpose of the Committee is to foster good industrial relations and facilitate discussions within the Council, through the forum of representatives of elected members of the Council and trade union representatives for NJC local government staff represented at Denbighshire County Council.

For health and safety matters the committee’s remit shall include all matters relating to the responsibility of the Council and its employees under the provisions of the Health and Safety at Work etc Act 1974, and all other related legislation. The committee shall make recommendations thereon and on such further matters as may be deemed appropriate to the execution of the Council’s approved framework policy for health, safety and welfare.

The committee will conduct its business in a professional manner and in the spirit of openness and co-operation. Its principal role will be to seek to reach agreement based on the belief that sound employment relations and health and safety procedures are key to the aims and objectives of the Council. Where it is not possible to reach agreement, the committee’s role will be to recommend actions for resolution as detailed in section 8 below.

2. REPRESENTATION

(a) The committee shall comprise sixteen (16) members.

(b) Eight (8) of such Members (hereinafter referred to as “Employer’s Representatives”) shall be 6 elected councillor members appointed on a politically balanced basis, including at least one (1) Cabinet Member (preferably with responsibility for HR and / or health and safety matters), plus two (2) Officers. These Officers to be the Chief Executive or Corporate Director and the Head of HR.

(c) Eight (8) of such members (hereinafter referred to as “Employees’ Representatives”) shall be employees of the Council and shall be appointed by the trade unions side. Three (3) of their number will be appointed by the Denbighshire Branch of UNISON and two (2) each will be appointed by the Denbighshire Branches of the GMB and Unite the Union. One (1) will be appointed by the [NAME OF

UNION] to represent school based employees as a voting member of the committee for health and safety matters considered by the committee.

(d) The members of the committee shall retire annually and be eligible for re-appointment.

(e) If a committee Representative ceases to be either an elected councillor or an employee of Denbighshire County Council, he/she shall cease to be a member of the committee. The vacancy thereupon arising being filled in the case of an Employer's Representative by the political groups and in the case of an Employees' Representative by the relevant trade union.

(f) Both sides of the committee shall be allowed unnamed substitutes to ensure full membership of the committee at any time.

(g) Where another recognised trade union representing employees of the Council wishes to have an item raised at the committee, the Grievance Procedure having been exhausted, then with the consent of UNISON, GMB and Unite the Union this may be done. The item will then be put forward for the agenda in the normal way, through the administrative support.

That union may be represented at such a meeting for the duration of that item only, but will not be a full member nor have a right to vote.

(h) Where the Employer's Side wish to discuss a matter which may affect members of recognised unions other than those represented on the committee, then a representative of that union may be invited to attend with the consent of the unions represented on the committee.

(i) Reasonable paid time off in accordance with the Council's Time off and Facilities Agreement will be allowed by the Council to enable each side to hold a preliminary meeting (maximum of 1 hour) of its members in advance of a formal committee meeting.

(j) Reasonable paid time off in accordance with the Council's Time off and Facilities Agreement will be allowed for the employee representatives to prepare items for the agenda and to attend the meeting.

3. CHAIR AND VICE-CHAIR

The Chair and Vice-Chair shall be appointed by the committee at its first meeting in each municipal year commencing after the Annual Meeting of the County Council. The chair shall alternate each year between the Employer's Representatives and the Employees' Representatives. If the Chair appointed is from the Employer's side the Vice-Chair shall be from the Employees' side and vice-versa.

In the absence of both the Chair and Vice-Chair, a Chair for the meeting shall be elected from amongst those members present at the meeting, from the side which holds the right to chair for the year.

The Chair of the meeting shall not have a casting vote.

4. COMMITTEE OFFICERS

Appropriate committee and administrative support for the committee will be provided by the County Council. Directors of the Council shall be entitled to attend all meetings (or be represented by an appropriate departmental officer of the Council, nominated by him or her).

5. ADVISERS

Either side shall have the right to request the attendance, in a consultative capacity, of (a) representatives of particular departments or (b) sections affected by a question under discussion which are not directly represented on the committee, but only for the period during which the relevant question is under consideration, provided notice of such intention is given.

Full-time officials of UNISON, GMB and Unite the Union shall be allowed to attend meetings of the committee with a right to participate fully in discussions, but without the right to vote.

Where, under 2(g) or 2(h) an item is raised by or in respect of another union, then the full-time official of that union may attend as an adviser.

6. FUNCTIONS

The functions of the committee shall be:-

HR

(a) To establish regular consultation between Denbighshire County Council and its employees in order to prevent differences, and to resolve them should they arise. To secure the greatest possible measure of joint action between the Council and its employees for the development and improvement of its services.

To consider references from the Council or Trade Unions on the following and make recommendations to the appropriate Council committee or decision maker.

- Terms and conditions of employment which are not specifically determined at national level.
- Legislation which affects employment
- Collective workforce matters which are or appear to be a cause of confusion or conflict.
- HR policies, procedures and practices; with the ability to review the effectiveness of implemented HR policies and make recommendations to the appropriate decision maker(s).
- Equity of treatment in terms of equality of opportunity and diversity.
- Learning and development
- Working arrangements and conditions

Excluded from the scope are:

- Matters such as grievances, disciplinary proceedings, and disputes or pay related issues relating solely to the affairs of a single individual or of a single group of individuals, except when consulting on the policy aspects of these matters.
- Matters solely within the functional accountability of another body, other than to provide the committee with an update
- Matters which are subject to current national or provincial negotiations, other than to provide the committee with an update

(b) the committee may refer any questions coming before it for consideration by, and for advice of, the Joint Council for Wales. The committee may inform the Joint Council for Wales of any recommendation of the committee which appears to the committee to be of more than local interest, always provided that such a recommendation shall be approved by Denbighshire County Council prior to its submission to the Joint Council for Wales.

Corporate Health, Safety and Welfare

(c) The committee shall consider all matters relating to the responsibility of the Council and its employees under the provisions of the Health and Safety at Work etc. Act 1974, and all other related legislation, and shall make recommendations thereon and on such further matters as may be deemed appropriate to the execution of the Council's approved framework policy for Health, Safety and Welfare.

(d) In particular, the committee shall examine and review the following aspects:

- The training of and the distribution of information to employees on health, safety and welfare at work.
- The maintenance and the development of safe working systems and practices, together with the promotion of safety awareness and welfare at all levels and risk assessment strategies.
- The development of occupational health and welfare facilities.
- Changes to health and safety legislation which may affect the Authority's activities.
- Accident performance data submitted by services, and reports concerning serious injuries and/ or incidents which have arisen.
- Reports and other relevant information provided by trade unions' safety representatives which have potential corporate implications, or are matters which cannot be resolved at a Service level.
- Any other relevant matters referred to it by the Council, any committee of the Council or Safety Representatives

7. MEETINGS

(a) The committee shall meet as and when required, but shall be scheduled to be held quarterly.

(b) The Chair or Vice-Chair may call a special meeting at any time.

(c) A special meeting shall normally be called within 14 days of the receipt by the administrative support of a requisition signed by not less than four members of either side. This period may be extended by mutual agreement. Matters to be discussed at any meeting shall be stated on the agenda for that meeting. Any other business may also be considered if approved by both sides.

(d) The venue for the meetings of the committee shall be Denbighshire County Council Offices. The necessary time off will be allowed by the Council to enable each side to hold such preliminary meetings of members as may be necessary.

(e) The quorum of the committee shall be three (3) councillors and three (3) trade union members of the committee.

(f) The committee's agendas will be split into two sections; one for HR issues and the other for corporate health, safety and welfare issues. The order of the agenda will be determined by the administrative support, liaising where appropriate with the chair of the committee.

(g) In respect of HR issues, unless agreed as a matter of urgency by the Chair and Vice Chair, no matter shall be raised in the committee without it first being discussed at the Corporate Joint Meeting. The [NAME OF UNION – schools] representative will not be a voting member of the committee when the committee is considering HR issues but may stay and contribute to discussions of HR issues at the discretion of the chair. To ensure an equality of voting members, the Head of HR will not be a voting member of the committee when the committee is considering HR issues but will be entitled to contribute to discussions of HR issues.

(h) Apart from urgent items agreed to be taken by the chair of the meeting, no item shall be included on the agenda unless a report and background documentation has been provided with sufficient detail for both sides to understand the issues being addressed and to enable both sides to fully understand the issues and respond at the meeting.

8. RESOLUTIONS AND VOTING PROCEDURES

A recommendation shall be regarded as carried when approved by both the Employer and the Employee side. If there is a failure to reach agreement between the two sides, then either side can refer the matter to the appropriate decision maker for approval.

A ballot will be held if half of all the voting members present at the meeting demand it. A recorded vote will be held if three (3) voting members from either or both sides demand it. A demand for a recorded vote will override a demand for a ballot.

Where any voting member of the committee requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

HR Issues

Cabinet is responsible for approving all non-pay related Terms, Conditions, Policies and Procedures. Full Council is responsible for approving all pay related Terms, Conditions, Policies and Procedures.

Where, as a result of a failure to agree, the matter has been referred to the appropriate decision maker, both sides are entitled to make representations on the particular issue.

In the event of:

- (a) The committee being unable to arrive at a recommendation, or
- (b) The appropriate decision maker being unable to come to an agreement following a referral from either the employer or employee side, or
- (c) The employees' side disagreeing with the decision of the appropriate decision maker,

the Employer and the Employees' side can agree for the matter to be referred to the Joint Secretaries for non-binding conciliation. The Joint Secretaries will consider the issues under dispute and agree a joint position that would help arrive at a local agreement to the issues.

9. REPORTING

The proceedings of the committee shall be reported by the minutes of the committee's meetings which will be available on the Council's intranet site. The committee's administrative support will liaise with members or officers not at the meeting on any actions or information for them arising from the committee's meeting.