

Finance and Resources Committee

10.00am, Tuesday, 30 April 2024

Joint Consultative Group (JCG): Amendment of Constitution

Executive/routine
Wards

1. Recommendations

- 1.1 To approve the revised constitution of the City of Edinburgh Council Joint Consultative Group.

Dr Deborah Smart

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Joint Consultative Group (JCG): Amendment of Constitution

2. Executive Summary

- 2.2 To request the Finance and Resources Committee approve changes to the constitution for the Joint Consultative Group.

3. Background

- 3.1 The JCG shall be constituted with the purpose of providing a means of regular consultation between the City of Edinburgh Council and its employee representatives and, where appropriate, submitting views to the Finance and Resources Committee of the Council for consideration.
- 3.2 The functions of the JCG are:-
- 3.2.1 to inform employee representatives on the activities, economic situation and development of the Council and to consult on the structure and development of employment within the Council;
 - 3.2.2 to inform and consult employee representatives on any proposals made by the City of Edinburgh Council involving substantial changes in the organisation of work and their effects on employment relations; and
 - 3.2.3 to consider any matter relating to the employment of Council employees which may be referred to the JCG by the City of Edinburgh Council or by any of the Trades Unions, including matters referred for consideration by Departmental Joint Consultative Committees; provided that no question of an individual's employment circumstances (e.g. pay, wage, grading, discipline, promotion, efficiency, etc) shall be within the scope of the JCG.

4. Main report

- 4.1 At the meeting of the JCG on 19 March 2024 the membership agreed that the Constitution should be amended to reflect the changes to the Council and Staff Side. The revised Constitution is attached as an appendix to this report.
- 4.2 The changes to the Constitution will:
 - 4.2.1 Include provision of an Agenda Planning Meeting and to clarify the representatives that will attend.
 - 4.2.2 Provide clarification on timing of Vice Convenor and Staffside Secretary appointments.
 - 4.2.3 Include provision for an Assistant Staffside Secretary

5. Next Steps

- 5.1 For the JCG to operate within the terms of the constitution as laid out in appendix 1.

6. Financial impact

- 6.1 None.

7. Equality and Poverty Impact

- 7.1 None.

8. Climate and Nature Emergency Implications

- 8.1 None.

9. Risk, policy, compliance, governance and community impact

- 9.1 The revised constitution changes have been discussed with the Staffside and considered at a meeting of the JCG.

10. Background reading/external references

- 10.1 None.

11. Appendices

- 11.1 Appendix 1 - Updated Joint Consultative Group Constitution.

**THE CITY OF EDINBURGH COUNCIL
JOINT CONSULTATIVE GROUP
CONSTITUTION**

1. Title

1.1 The Group shall be called "the City of Edinburgh Council Joint Consultative Group", referred to hereinafter as the "JCG".

2. Scope

2.1 The JCG shall cover all employee groups within the City of Edinburgh Council.

3. Representation

3.1 The JCG shall be formed from the Council Side and the Joint Employees Side. The membership of the JCG shall be:-

- (a) For the Council Side, seven Elected Members appointed by the City of Edinburgh Council, (nominated and selected on a cross party basis) (**7 members**).
- (b) For the Joint Employees Side, **15** representatives appointed by the recognised trade unions as below:

Trade Union	Number of Representatives
Unison	5
Unite	4
Educational Institute of Scotland	3
GMB	1
Scottish Secondary Teachers' Association	1
National Association of Schoolteachers/Union of Women Teachers	1

3.2 The Head of Democracy, Governance and Resilience shall maintain a register of JCG membership. The Head of Democracy, Governance and Resilience shall invite the Council to fill any Council side vacancy on the JCG. In the event of a vacancy on the Joint Employees Side, the Joint Employees' Side Secretary shall notify the Head of Democracy, Governance and Resilience of the new member.

3.3 Whilst it is expected that the register of membership will be static, in their absence - to ensure appropriate quorum, each member of the JCG shall be entitled to nominate a substitute member to attend a meeting of the JCG. Details of such substitution shall be notified to the Head of Democracy, Governance and Resilience in advance of the JCG meeting.

4. Purpose And Functions

- 4.1 The JCG shall be constituted with the purpose of providing a means of regular consultation between the City of Edinburgh Council and its employees and, where appropriate, submitting views to the Finance and Resources Committee of the Council for consideration.
- 4.2 The functions of the JCG shall be:-
- (a) to inform employee representatives on the activities, economic situation and development of the Council and to consult on the structure and development of employment within the Council;
 - (b) to inform and consult employee representatives on any proposals made by the City of Edinburgh Council involving substantial changes in the organisation of work and their effects on employment relations; and
 - (c) to consider any matter relating to the employment of Council employees which may be referred to the JCG by the City of Edinburgh Council or by any of the Trades Unions, including matters referred for consideration by the appropriate Departmental Joint Consultative Committees or other Trade Union Forums (see appendix One). No question of an individual's employment circumstances (e.g. pay, wage, grading, discipline, promotion, efficiency, etc) shall be within the scope of the JCG.
- 4.3 Agreement reached through joint discussions at the JCG shall not automatically be deemed to constitute a local collective agreement. The Council's normal decision making processes and Working Together Protocol shall continue to apply in respect of changes to employees' terms and conditions of employment.
- 4.4 The Council's Service Director for Human Resources (or representative(s)) shall attend the meetings of the JCG to provide advice and support. The JCG may also invite the attendance of any other person, including officials of the City of Edinburgh Council to any meeting of the JCG, in furtherance of the above.

5. Conduct Of Business

5.1 Convener and Vice-Convener

The Council shall appoint a Convener to the JCG, who is a representative of the Council Side.

A Vice-Convener, who is a representative of the Joint Employees' Side¹, shall also be appointed. The Vice Convener will be appointed following any change to the City of Edinburgh Council Administration.

¹ *The role of Vice-Convener shall alternate between the Staff Side Secretary and the Teacher Side Secretary – this will happen at the change of Administration.*

The Convener, and in their absence the Vice-Convener, shall preside at meetings of the JCG. In the absence of both the Convener and Vice-Convener, the members present shall elect one of the members to preside at that meeting of the JCG.

5.2 **Joint Employees' Side Secretary**

The employee representatives shall appoint a Joint Employees' Side Secretary to the JCG from amongst their members for the purpose of communicating and co-ordinating issues for all the trade unions recognised by the Council, including notification and submission of agenda items to be raised by the Joint Employees' Side.

An Assistant Employee's Side Secretary will be appointed from amongst members for the purposes of deputising and supporting the Employees' Side Secretary.

5.3 **Agenda Construction**

An agenda planning meeting (APM) will allow the construct of the agenda for meetings of the JCG. The APM will be attended by the Convenor, Vice Convenor, Staffside Secretary, Service Director for Human Resources and Committee Services.

5.4 The agenda shall be formed in three parts, as follows:

Part 1 - Matters concerning all Council Employees;

Part 2 - Matters concerning Council Employees, excluding Teaching staff; and

Part 3 - Matters concerning School Teaching staff*.

The Council Side members of the JCG shall attend for all agenda items as shall the Vice-Convener and the Joint Employees' Side Secretary.

5.5 **Minutes and Reports**

The Head of Head of Democracy, Governance and Resilience shall be clerk to the JCG and shall keep minutes and a rolling action list of the meetings. Where required by the JCG, the Head of Head of Democracy, Governance and Resilience will report any views of the JCG to the Finance and Resources Committee of the Council for its interest.

**The above order for Parts 2 and 3 shall be reversed for alternate meetings (i.e. matters concerning Teaching staff shall form Part 2 of the agenda and Matters concerning Council Employees, excluding Teaching Staff shall form Part 3 of the agenda).*

5.6 Meetings

The JCG shall meet in private, normally at quarterly intervals (in accordance with a programme of meetings determined by the JCG, on the advice of the Head of Head of Democracy, Governance and Resilience). Special meetings of the JCG can be arranged as and when required, subject to the agreement of both the Council Side and the Joint Employees' Side. Meetings will normally be called by notice in writing not less than seven days before the date of the meeting and the notice shall include the agenda of items to be discussed.

5.7 Quorum

The quorum of the Council Side of the JCG shall be 3 members:
The quorum of the Joint Employees' Side shall be 5 members.

Business relating to all trade unions - 5 members.

Business relating to non-school teacher trade unions – 3 members.

Business relating to teacher trade unions – 2 members.

5.8 Facilities

Meetings of the JCG will be held virtually. Where a face-to-face meeting is required the City of Edinburgh Council will provide facilities for this.

5.9 Amendments to Constitution

The Council will keep this Constitution under review and may be required to make changes to the arrangements detailed above having regard to changing legislation in respect of informing and consulting employees. Either party desiring a variation or modification to the Constitution shall give the other party eight weeks' notice of the proposed variation or modification.

City of Edinburgh Council - Employer and Trade Union Meetings/Forums

Local Negotiating Committee for Teachers	Edinburgh Health & Social Care Partnership Forum	Directorate Joint Consultative Committee (DJCC)	HR TU Engagement Meeting	Partnership at Work	CEC Joint Consultative Group
-	-	Bi-Monthly	Fortnightly	Monthly	Quarterly
<ul style="list-style-type: none"> • Consultation, reporting and proposals on Directorate related matters. • Local joint consultation between management and TUs. 	<ul style="list-style-type: none"> • Consultation, reporting and proposals on Directorate related matters. • Local joint consultation between management and TUs. • Engagement in decision making at a strategic and operational level in the development of EHSCP and its structure. 	<ul style="list-style-type: none"> • Consultation, reporting and proposals on Directorate related matters. • Local joint consultation between management and Tus. • Policy and Terms and Conditions recommendations. • If not sufficient resolution then agreement in DJCC to raise matters to HR ER, HR Engagement Meeting or Partnership at Work depending on specifics. 	<ul style="list-style-type: none"> • Consultation on CEC policy. • Channel for TU's to raise issues which require an organisation position to be agreed/ implemented. • Individual employee cases that cannot be resolved at a local level to be brought directly to ER and or Case context specific. • Partnership at Work 	<ul style="list-style-type: none"> • CEC/ Organisational agenda items. • Items must have been discussed at TU Engagement Meeting and agreement that no resolution can be reached before going to. • If no resolution found for local items through DJCC then escalation to either TU Engagement or Partnership at Work. • No individual cases to be raised. <p>4 meetings dedicated to Budget/MTFP</p>	<ul style="list-style-type: none"> • CEC/ Organisational matters which either staff side or employer side wish to raise, but which should have been discussed prior at DJCC or HR Engagement Meeting • Standard agenda items (e.g. workforce dashboard). • Inform TUs on the activities, economic situation and CEC development. • Consultation of proposals for substantial changes. • No individual cases to be raised.
Membership					
Service Director - Education and Chief Education Officer HR Relationship Lead Senior Education Managers Headteacher Reps EIS Reps SSTA Rep NASUWT Rep	Chief Officer IJB Chief Finance Officer IJB Head of Operations Head of Strategic Planning Chief Nurse Locality Managers Head of Hosted Services HR Relationship Lead Union Reps from both NHS and CEC.	Executive Director Service Directors Heads of Service HR Relationship Lead Trade Union Reps	Employee Relations and Policy Team Trade Union Reps	Chief Executive Executive Directors Service Directors – HR and Finance Head of Comms Lead HR Consultant – ER Trade Union Reps	7 Elected members 15 Trade Union Reps Service Director HR Appropriate Senior Management

Other Forums - City of Edinburgh Council Health and Safety Forum