

Central  
Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ



<b>CONSTITUTION ADVISORY GROUP</b>
------------------------------------

<b>DATE: 13 July 2010</b>
---------------------------

<b>TITLE</b>	<b>Review of Consultation and Negotiation Arrangements with Professional Associations (JCNC)</b>
<b>REPORT OF</b>	Joint report of the Acting Assistant Director, People and the Head of Democratic Services

<b>PURPOSE</b>	To consider the views of General Purposes Committee regarding consultation and negotiation with the professional associations for primary and secondary education and make a recommendation to Council accordingly.
----------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>ORIGIN OF PROPOSAL</b>	<p>The proposal to remove the Joint Consultative and Negotiating Committee from the Council's Constitution arose from a period of review including discussions held between the Portfolio holder for Children's Services, the Director of Children's Services and the Chairman of Constitution Advisory Group.</p> <p>This matter was considered at Constitution Advisory Group at its meeting on 1 June 2010. Its recommendation was reported to General Purposes Committee on 3 June 2010 for endorsing. In view of the decision of General Purposes Committee the matter is referred back to the Constitution Advisory Group before submitting a recommendation to Council.</p>
---------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**RECOMMENDATION:**

**That the Council be recommended to :-**

- (1) amend section E2 (10) of the Constitution by removal of the Joint Consultative and Negotiating Committee for Primary and Secondary Education (JCNC);**
- (2) amend section E2 (7) of the Constitution consequential to the reflections of the Constitution Advisory Group.**

**SUPPORTING INFORMATION**

1. At its meeting on 1 June 2010 the Constitution Advisory Group considered a report recommending that the Joint Consultative and Negotiating Committee be removed from the Council's Constitution (minute CAG/10/64 refers, attached at **Appendix A**).
2. The report before the Group indicated that arrangements would be put in place for the Professional Associations' representatives to meet with the Director of Children's Services and the Portfolio holder for Children's Services. These arrangements would lead to there being no further need for the Joint Consultative and Negotiating Committee.
3. The report also indicated that any matters which remained unresolved by the Joint Consultative and Negotiating Forum would be referred to the General Purposes Committee to resolve. Subsequently this was found to have given a misleading impression in that only those matters relating to terms and conditions of service, or employment policy, would be referred to General Purposes Committee. Other matters for which the Director of Children's Services had delegated and statutory responsibilities would be determined by her.
4. The proposed Forum would enable direct communication between the Professional Associations' representatives, the Director of Children's Services and the Portfolio holder for Children's Services. No executive powers would be invested in the Forum. This structure would enable the conclusions of the existing Working Parties to be addressed with the Director and Portfolio holder in a direct and informal manner.
5. The Constitution Advisory Group, in response to the proposals in the report, agreed to recommend to Council the removal of the JCNC from the Constitution, subject to the endorsement of the General Purposes Committee which would be considering the matter on 3 June 2010.

6. The recommendation was to be as follows:-

*“that Part E sections 7.1.5 and 10 of the Constitution be amended by the removal of the Joint Consultative and Negotiating Committee for Primary and Secondary Education (JCNC) as a subsidiary body of General Purposes Committee.”*

### **Views of General Purposes Committee**

7. General Purposes Committee considered the matter on 3 June 2010 and supported the proposal to remove the JCNC from the Constitution. It went on to comment that “in exceptional circumstances where any Human Resources (HR) matters relating to strategic employee policies or terms and conditions of employment for employees remained unresolved through the working parties and the Forum, these would be referred to the Committee to be resolved/determined.” (Minute GPC/10/09 refers.)
8. In addition, General Purposes Committee resolved that “a summary report be submitted for information and noting to the Committee following each meeting of the Forum and also, where possible, that Forum meetings be held shortly before scheduled meetings of General Purposes Committee so that any information was not out of date by the time it was reported to the Committee.” (Minute GPC/10/09 refers.)

### **Implications of General Purposes Committee’s Decision**

9. The response of the General Purposes Committee has additional implications for changes to the Constitution. Further to discussions between the Chairman of the Constitution Advisory Group, the Leader of the Council and the Chairman of General Purposes Committee, and noting that the Advisory Group had recorded that if the recommendation was not endorsed by General Purposes Committee it would not be put before Council, it was agreed that the most pragmatic approach was to delay submitting a recommendation to Council. The Constitution Advisory Group should have the opportunity to consider the implications of the General Purposes Committee’s views, informed by the Chairman of General Purposes Committee who would be present at the meeting, before asking Council to consider a recommendation on the matter.
10. The next meeting of Council would be on 16 September 2010 and no further meetings of the JCNC were planned before then.
11. General Purposes Committee’s requirement that it receive a summary update from the Forum and that the Committee also have a role in resolving any matter relating to employment policies or terms and conditions of employment which remain unresolved following negotiation, would require an adjustment to the terms of reference of the General Purposes Committee. The wording would need to be approved by Council as it would be a change to the Constitution. A recommendation from the Advisory Group would need to be made to Council accordingly.

## Summary of Issues

12. The Joint Consultative and Negotiating Forum would provide a vehicle for the Professional Representatives to discuss issues with the Director of Children's Services and the Portfolio holder for Children's Services. It would have no decision making powers. If decisions were required regarding terms and conditions of employment these could be referred to the General Purposes Committee, and other matters likely to be discussed could be dealt with by the Director of Children's Services under her delegated and statutory responsibilities.
13. The General Purposes Committee supported the proposal to remove the provisions for the JCNC from the Constitution. However, General Purposes Committee also made clear that it would not wish to lose all responsibility in this area and that, in exceptional circumstances, where matters relating to HR policies, or terms and conditions, remained unresolved through the existing working parties and by the proposed Forum, these matters would be referred to the Committee to be resolved/determined.
14. General Purposes Committee also asked that a summary report be provided to it by the Joint Consultative and Negotiating Forum (JCNF) at each meeting after a meeting of the JCNF had taken place.

## Amendment of the Constitution

15. In view of an informal Joint Consultative and Negotiating Forum being put in place it is suggested that the Joint Consultative and Negotiating Committee be removed from the Constitution (part E2 section 10 refers), and that a recommendation is made to Council accordingly.
16. The Constitution Advisory Group is also asked to agree any recommendation it wishes to make to Council for any further amendment to the Constitution having considered the issues and discussed them with the Chairman of General Purposes Committee present at the meeting.

<b>Contact Officer Details:</b>
Mel Peaston, Interim Committee Services Manager Tel: 0300 300 4050 Mel.peaston@centralbedfordshire.gov.uk

<b>Key Background Papers:</b>
1. report to Constitution Advisory Group 1/6/10 and minute CAG/10/64
2. report to General Purposes Committee on 3.6.2010 and minute GPC/10/09