

Joint NALC/SLCC Liaison Meeting 19 May 2016

Present: NALC - Ken Browse; Sue Baxter; Derek Liddell; Jonathan Owen. SLCC - Richard Walden; Jonathan Bourne; Andrew Tubb. (Apologies from Linda Carter).

1. Notes of last meeting 20 March 2015

These were noted. A number of outstanding actions remained to be addressed and it was agreed to revisit those over the coming months.

2. Joint CALC/SLCC county branch meeting

This was one of the initiatives agreed at the last meeting and had been held on 14 April 2016 in Birmingham. Around 30 representatives from CALCs/SLCC had been in attendance and heard from Cornwall and County Durham about partnership working. There had also been presentations from Trowbridge and the LGAs head of communications. It was generally agreed that the meeting had been constructive, building relationships and sharing good practice. It was planned to hold this again next year subject to resources.

3. SLCC proposed constitutional changes

Jonathan Bourne and Andrew Tubb explained the background to the proposed changes to the SLCC constitution to enable it to separate its TU and professional association activities by creating a new TU body, the Association of Local Council Clerks. These proposals had been supported in a ballot and would be discussed at an Extraordinary General Meeting in June.

NALC representatives sought clarification on a number of matters including financing; whether the ALCC would be an appropriate body to negotiate with; and what would be the on-going relationship between NALC and SLCC to enable the very best support to be provided to the sector.

There was agreement on both sides that we should endeavour to continue to work together in a complementary and supportive manner providing the appropriate support that councils and clerks needed.

Richard Walden invited NALC to formally recognise the ALCC and change the current SLCC/NALC protocol to reflect setting up of the new TU.

Ken Browse indicated that this would need to be considered by NALC's national council and indicated that it was likely that the association would wish to see a major review of the protocol to reflect the respective roles and responsibilities of the two bodies.

Richard agreed to rewrite the briefing for NALC in the light of these discussions and Jonathan/Andrew would be available to brief further if necessary.

4. Local Issues

There were a number of Counties where issues had arisen which may require further support from SLCC/NALC and it was agreed to discuss this further (JB and JO)

5. Terms and Conditions

Both sides registered that the current contract and terms and conditions required further consideration when the constitutional position was clear.

Society of Local Council Clerks

Proposed Constitutional Change Overview on the briefing paper prepared for NALC

Introduction

Since its creation in 1972 at an NALC conference, the SLCC has sought to support its members not only as professional clerks serving their Councils but also as individuals in the contractual relationships with their employers.

Although the latter represents only 5% of the SLCC's activity* it requires the Society to be registered as a Trade Union. This has given rise to concerns in that whilst it is lawful Councils to fund their Clerk's membership of a Professional Society which is also a Trade Union, some feel uncomfortable funding the Trade Union element. At the moment there is no opportunity to do the one without the other.

The aim of the constitutional change is to separate out the two activities and make individual clerks liable for funding their own Trade Union subscriptions.

Financial Arrangements

At a meeting of Chairmen and Vice Chairmen of SLCC/NALC on Thursday 19th May 2016, NALC representatives sought clarification on a number of matters including the financial arrangements for the proposed Trade Union, (Association of Local Council Clerks).

The SLCC intend that initially a nominal subscription of £10 will be charged to join the new union with the balance, together with an operating reserve, being funded by a grant from SLCC's commercial income. It is important to note that none of the initial funds will be drawn from SLCC membership or training fees, which are often met by councils. As SLCC's expenditure will reduce by approximately 5% once the Union is established, we have agreed that the normal SLCC subscriptions will be reduced by £10, so making a saving for every council which pays its clerk's subscriptions to SLCC.

Once the new union is established it will have its own governance arrangements and it intends to become financially self sufficient in the medium term, setting its own fees accordingly. Any further funding from the SLCC will not be guaranteed and if forthcoming will again be drawn from the Society's commercial activities and not membership fees.

Also at the meeting some concern was expressed about whether the new body would be an appropriate one with whom to negotiate. With a transitional arrangement in place (no subscription will be requested until the next annual renewal of SLCC subs is due) there should not be a significant fall off in membership, currently 3,500 and members have already given substantial support in an all-member ballot to the creation of a trade union. We therefore believe NALC can negotiate with the new union in the firm knowledge that it represents the interests of a clerks. We believe that most members will consider it to represent good value for money when dealing with model contracts, terms and conditions and dispute resolution.

As SLCC has for been running a 'shadow' budget for these activities for over two years, it has a very good feel for the costs involved and so considers the starting budget to be realistic.

Future Relationships

The creation of the new union will provide clarity. Its purpose will be to negotiate on terms and conditions and to represent members in respect of contractual difficulties.

By contrast the SLCC, without its union role, will be free to pursue the support of its members in their professional development. Education of clerks is seen as being at the heart of its role, as evidenced by the investment in professional qualification courses from entry level right through to the Community Governance Higher Education courses. SLCC will continue to work collaboratively with NALC in a complementary and supportive manner to provide the services that both councils and clerks need and is fully committed to supporting the National Training Strategy and its emerging review.

Ken Browse indicated that the proposed changes would need to be considered by NALC's national council and indicated that it was likely that the Association would wish to see a major review of the protocol to reflect the respective roles

and responsibilities of the two bodies. This is understood and fully supported.

Conclusion

Just as in the best Councils, Clerks and Members work in partnership with mutual respect, so the same is envisaged with the NALC and the SLCC. NALC and its constituent CALC's perform a vital role in supporting Councils both in the policy arena and in the counties. The role of the SLCC is to support the clerks and help them to provide a more professional service to their Councils.

*Note: SLCC has been recording its actual expenditure on "trade union activities" for the past 2 full financial years and the figure of 5% of total expenditure has been shown to be reasonably accurate.

Society of Local Council Clerks
Proposed Constitutional Changes
Briefing Paper for NALC

1. Introduction

On 10th June 2016 (during the second day of its Leadership in Action Conference) SLCC is convening an Extraordinary General Meeting to consider the possible creation of a separate trade union, to be known as the Association of Local Council Clerks (ALCC) to undertake the “trade union activities” currently provided by SLCC. This will leave SLCC to develop as a solely professional body.

2. Background

SLCC was formed at a fringe meeting at the 1972 national conference of the National Association of Local Councils (NALC) with considerable support and assistance from the then NALC Secretary, Charles Arnold-Baker. Since then SLCC has continued to expand the range of services it offers to clerks and senior managers with local councils in England and Wales. About 5% of those activities are deemed to be “trade union” activities, principally (a) providing employment advice to members in dispute with their councils and supporting them at internal hearings; and (b) from time to time working with the National Association of Local Councils and One Voice Wales to agree the model contract of employment or other national terms and conditions. Because SLCC provides them at all, the Certification Officer includes the SLCC on the schedule to the List of Trade Unions as a body which the Certification Officer considers to be a trade union and the SLCC must accordingly comply with the legislation on trade unions, including the need for its national Executive Council and its Chief Executive to be elected by ballot of all members.

It should be emphasised that the Society is not affiliated to the TUC, does not have any political affiliations and takes no part in the annual pay bargaining for local government employees.

Whilst SLCC has received renewed legal advice that it is lawful for councils to pay the subscriptions to a professional body which is also a trade union, its National Executive Council (NEC) has been considering for some time the potential risk to the Society’s financial future should some councils decide or be persuaded not to pay such subscriptions in the future. Last January it became clear that the need for the Chief Executive to be elected, with no certainty of the result, was a major impediment to encouraging a wide range of applications for the vacant post. NEC therefore decided to bring forward consideration of the proposed constitutional changes by convening the EGM in June 2016. If the proposals are agreed then a new Chief Executive can be recruited and appointed under normal employment practice.

3. The On-line Ballot

Whilst the current constitution provides that changes to it can only be determined in a General Meeting, NEC nevertheless wanted to seek the views of all members before

proceeding. An on-line ballot was conducted during February and March in which over 30% of members took part. The response to the ballot questions was:

94.06% voted yes to the principle of establishing a separate trade union

93.13% voted yes to the suggested detail of the trade union, to be known as the Association of Local Council Clerks (ALCC).

The Society sought advice from the professional statistician with the Society of County Treasurers' technical team based at Somerset County Council as to the validity of this result. The advice was:

*From a population of 3654, 1114 members voted and 1048 were in favour. This means that over 30% of the population voted and of those who voted 94% were in favour. Therefore one can say with **99% statistical confidence that the true vote would have been between 92.5% and 95.6% in favour**. A sample size this vast and a percentage (of those in favour) so extreme, means that any discrepancies should be unaffected by any 'Likeliness to vote' trend. Put simply, you can say that, excluding unrealistic scenarios, **one can be sure that the vote would have been significantly in favour**.*

To put this in context, if 47 out of a random sample of 50 voted in favour one would be 99% sure that at least 85% of the 3654 would've voted in favour.

NEC accordingly concluded that there was a clear mandate for it to proceed with convening the EGM.

In addition to answers to the above questions many members had submitted a range of suggestions in which SLCC and in particular its governance and management, could be improved. These issues have now been referred to a Commission which the current President, Mr Peter Young, has kindly agreed to facilitate. This President's Commission will be submitting a report and recommendations to the NEC meeting in August with a view to any necessary further constitutional changes being presented to the Annual General Meeting to be held at Hinckley Island Hotel, Leicestershire on 14th October 2016.

The matters referred to the Commission for review include:

- i) composition and operation of NEC and cabinet and method of electing members,
- ii) role and future functioning of branches and the ILCM
- iii) the status of the "new" SLCC
- iv) rules for AGM motions and debate
- v) how needs of Welsh, smaller, medium and larger councils are best represented
- vi) the status of and services available to the various categories of members including retired service members and
- vii) such other relevant matters presented to it in evidence.

4. The Proposed Trade Union

- a) If the motion before the EGM is agreed The Association of Local Council Clerks (ALCC) will be established to deal with (a) employment advice and support for members in dispute with their employer councils; and (b) terms and conditions negotiations with national bodies. The ongoing Society of Local Council Clerks will no longer be constrained by trade union legislation.
- b) SLCC members will be invited to opt in to membership of ALCC . When their Society subscription becomes due for renewal they will pay a nominal ALCC personal fee to ALCC and the current SLCC subscription, which in the majority of cases is paid by the employing council, will be reduced by an equivalent amount. Non SLCC members could also join ALCC but would pay a higher fee.
- c) ALCC will be governed by a separate National Committee (NC) directly elected on a regional basis, plus a directly elected but unpaid chief officer, probably called “General Secretary” (to avoid confusion with the SLCC’s Chief Executive who would be directly appointed by the Society’s NEC and subject to a normal secure contract of employment). There will be two NC members elected for each region (Wales and 5 English regions). Until such time as the first elections can be arranged persons an Interim National Committee been nominated by NEC and the present SLCC Interim Chief Executive and Head of Finance and Facilities have been nominated as Interim General Secretary and Treasurer of the trade union, respectively.
- d) Any part of ALCC’s budget not met by members’ voluntary personal subscriptions will be funded by way of a grant from SLCC Enterprises Ltd which is derived from sponsorship or other commercial income, so avoiding any suggestion that public money is used to fund union activities.
- e) SLCC officers will be seconded to serve ALCC under a service level agreement ensuring that there is a seamless provision of employment advice to members and no change in the status of its employees.

5. Implementing the Proposed Changes

The motion before the EGM has been framed in such a way to provide for the following sequence of events:

- a) The facilitating of the setting up of ALCC is approved.
- b) ALCC immediately starts recruiting members and becomes operational. Under the direction of the Interim National Committee, ALCC collects evidence of its purpose and activities.
- c) ALCC applies to the Certification Officer for recognition as a trade union.
- d) Once ALCC is recognised as a trade union, the SLCC’s constitution is amended in accordance with proposals before the EGM, it ceases to act as a trade union, and it then seeks to be removed from the schedule to the list of trade unions.
- e) Provided the SLCC application to be de-listed is successful, ALCC assumes full responsibility for delivering the services referred to in paragraph 4(a) above on behalf of its members and SLCC ceases to provide such services.

6. The Certification Officer

As indicated above it is essential that the Certification Officer is persuaded that SLCC is no longer a trade union but that ALCC is operating as a trade union. Informal advice has been received from the Certification Officer's office of the measures which need to be taken to achieve the actions.

- a) The informal advice on the type of evidence required is as follows:
 - o Copy of the trade union's rules (including provision about elections to office)
 - o Copies of membership application forms
 - o Copy of the trade union register of members
 - o Copy of trade union bank account statement showing that subscriptions have been paid in
 - o Copy of minutes of executive meeting.
- b) It is likely that the Certification Officer will want to have a meeting at the trade union's premises to meet officers and ask questions to satisfy himself that the trade union does exist and is doing what it should as a trade union.
- c) Those trade union activities must be more than the representation of individuals at disciplinary or grievance hearings – and include a collective aspect to meet the statutory definition of a body one of whose principal purposes is the regulation of relations between workers of a particular description and their employers or employers' associations.
- d) A final annual return must accompany the application to get the SLCC de-listed.

7. The next steps

One of the items which confirms that SLCC is a trade union is the current NALC/ SLCC protocol which makes several references to the Society being a trade union representing clerks to local councils. The Society would therefore like to propose that the protocol be amended to delete all such references but with no other changes.

The Society believes that once the new trade union has become established and SLCC has evolved into a solely professional body, there will be even greater opportunity for a close partnership with the National Association with SLCC providing professional practitioner support to NALC's engagement with government. During the meeting scheduled for 19th May SLCC's representatives will be happy to discuss how other items of mutual interest can be progressed.