

Frontline Involvement

**Good Practice Guidelines
on employee and trade union
participation in Best Value**

CENTRE *for* PUBLIC SERVICES

Research • Strategy • Planning • Training

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Introduction

This publication is designed to provide detailed guidance for local authorities on how to involve frontline employees and trade unions in Best Value. The guidelines have been developed from the findings of a major research study Working Together for Best Value, conducted by the Centre for Public Services, for the Improvement & Development Agency, the Employers Organisation, LGIU, APSE, UNISON, TGWU and the GMB. They also draw on the Centre's work on Best Value for local authorities, trade unions and community organisations (see page 13).

The Government and the Audit Commission have recognised that employees are crucial to the management of Best Value in local government. Continuous improvement cannot be achieved without their involvement.

NJC Framework Agreement on Best Value

The frontline involvement guidelines have been structured on the National Joint Council (NJC) Framework Agreement on Best Value which was agreed by the employers and trade unions in October 1999. It has eight main sections which contain principles and recommendations for the involvement of employees and trade unions in the Best Value process.

Employee and trade union involvement in Best Value and continuous improvement require a long term commitment and the use of innovative approaches from both parties. Local agreements are an essential first step towards this objective. They are designed to take account of the industrial relations framework, local authorities' corporate Best Value strategies and the requirements of employees and local trade union branches.

The guidelines can be applied at corporate, departmental and frontline level across all local government services.

Guidelines for frontline involvement

Corporate policies

Section 2 of the NJC Framework Agreement concerns the aim of achieving continuous improvement through careful consultation about community wants and needs. This involves an examination of existing arrangements and, if necessary, making changes to current provisions. It is important that local authority corporate policies provide a comprehensive framework to review services, consult the community and examine options.

Summary of

Working Together for Best Value

A consortium of local government organisations and trade unions concluded a national study, Working together for Best Value, assessing the benefits and outcomes of employee and trade union involvement in Best Value. The report includes:

- an assessment of the extent of involvement in the Best Value process;
- the results of a comprehensive survey of local authorities and trade union branches;
- key findings and examples from eleven detailed case studies;
- guidance on good practice for local authorities and trade unions.

The full report and summary are available from: Improvement and Development Agency, 76-86 Turnmill Street, London EC1M 5LG, Tel: 020 7296 6600 Fax: 020 7296 6666 Email: book.sales@idea.gov.uk

The summary is available on the web site: www.idea.gov.uk

The case for employee and trade union involvement

The study identified important benefits in involving employees and trade unions throughout the Best Value process, including:

- better quality of service;
- improved policy making;
- better management practice;
- increased job satisfaction.

The approach adopted in the research was based on an assessment of studies into employee and trade union involvement in job satisfaction and productivity initiatives.

The case for employee and trade union involvement in delivering change is borne out by evidence of progress from the research review and case study authorities where improvements are being delivered. Job satisfaction has led to productivity gains.

- The quality of participation is vitally important. Involvement will have more substantial benefits than consultation and the provision of information.
- Participation should be judged on the quality of involvement and the resulting contributions made to the Best Value process by employees and unions, rather than by the number consulted.
- Effective participation in Best Value depends on the attitudes, ability and approach of management, employees and unions. Without shared commitment, effective involvement is unlikely to be initiated or sustained.
- Councils should adopt the NJC Framework Agreement on Best Value to secure commitment on working together and establishing a foundation for involvement to take place at service and department levels.

Research methodology

The research findings were based on a survey of responses from 59 local authorities and 32 trade union branches, representing 73 local authorities of which 69 were in England, 2 in Wales and 2 in Scotland. They represented a cross section of authorities, regions and different approaches to Best Value. Eleven case studies were also conducted early in 2000. These included interviews with key figures in the Best Value process.

Key findings

Involving employees and trade unions: The research revealed more successful joint working on the options resulting from the review where employees and trade unions were involved in Best Value at the earliest stage and throughout the process. A jointly agreed corporate policy on employee and trade union involvement is an important foundation for the review process. Involving employees but not trade unions may lead to hostility and conflict.

A corporate policy framework should involve elected members, managers, employees and trade unions in all directorates or departments, in developing employee and trade union involvement in the Best Value process. It should promote local innovation and different approaches within a corporate requirement for involvement.

This framework should include:

1. A corporate strategy for Best Value based on local priorities and the social, economic and environmental well-being of the community.
2. A commitment to negotiate a local employee and trade union involvement agreement based on the NJC Framework Agreement. Facility time and training will be needed to implement this agreement.
3. A corporate strategy for user/community and employee/trade union involvement throughout the Best Value process for all council services. This should include an annual strategic review and the development of performance indicators for involvement, including equalities and sustainability targets.

Variations in strategy and practice: The research revealed confusion between communication and participation strategies in the authorities surveyed. Many initiatives were described as participation but could only be classified as information giving. Clarity is required in relation to the purpose and terms of reference of the methods used.

Resources and training: Managers, trade unions and employees reported a lack of training by both local authorities and trade unions in the Best Value process techniques and participation methods.

Innovation, continuity and sustainability: A lack of innovation in ways to involve employees and trade unions on a continuous basis was evident.

Application of the NJC Framework Agreement: There was limited knowledge of the NJC Framework Agreement on Best Value and few authorities had adopted it locally.

Key factors for successful involvement: The quality of management and local trade union organisation were found to be key factors in the type and success of participation in Best Value.

Programme for Action

The following highlight some of the key themes arising from the research study.

Local authority organisations should:

- Encourage local authorities and trade unions to negotiate local implementation of the NJC Framework Agreement on Best Value, and the good practice guidelines, as a matter of urgency.
- Develop training modules for employee and trade union involvement for use by local authorities and trade unions.
- Support the development of national and local performance indicators for employee and trade union involvement, including measures ensuring that minority groups are fully involved.

Local authorities should:

- Improve their training provision for Best Value, starting with a rigorous audit and evaluation of provision to date.
- Evaluate and monitor their corporate and frontline involvement techniques.
- Give particular attention to employee and trade union involvement among frontline and manual employees where participation is often most difficult. Equality of involvement, representation and facility time are key issues for these employees.
- Explore new initiatives to involve frontline employees and trade unions, such as joint employer/trade union personal development training programmes.

Trade unions should:

- Be proactive in demanding employee and trade union involvement in the Best Value process and establish their own training programmes together with regional networks to exchange good practice.
- Establish working groups to coordinate their involvement in Best Value and support members involved in service review teams.

For a full list of recommendations, see the main report.

4. Agreeing a joint approach to employment and training for Best Value which should be included in the Council's Best Value toolkit.
5. An agreed programme and timetable of service reviews.
6. A policy determining conditions for the use of consultants for reviews and consultation processes.
7. A communications strategy to regularly inform the workforce on progress and key issues relating to Best Value.
8. Consultation on the appointment of community and business participants in corporate Best Value policy-making and service reviews.
9. Employees and their trade unions should be informed of impending inspections and details of how to contact the inspection team. They should be involved in inspection meetings and subsequent evaluations. The authority should also share responses and inspection reports from the District Auditor and Inspectorates.
10. An agreement to fully consult trade unions where there is a proposal to introduce competitive tendering of a service prior to a Best Value service review and to involve employee and trade union representatives in the procurement process.

Involvement of frontline employees

Section 3 of the NJC Framework Agreement encourages authorities to make full use of frontline employees to find out what the public want and how best to provide it.

Principles upon which this should be based:

1. Recognition that the experience and knowledge of employees, particularly those engaged in frontline service delivery, can contribute greatly to the Best Value review process and continuous improvement.
2. A clear set of goals is essential. Methods of involving employees and trade unions should not be confused with information and communications, training and obtaining opinions through surveys and meetings. The objectives could include the following:
 - assessing procedures and working practices;
 - supporting the service review team by being involved in benchmarking, process mapping, quality audits or other techniques;
 - drawing up proposals and plans for service improvements;
 - assisting with consultation of the rest of the workforce and developing the most effective means of communication;
 - assessing ideas and proposals from the rest of the workforce;
 - examining how action plans can be implemented.
3. Involvement of employees and trade unions should be an integral part of an agreed corporate consultation strategy jointly drawn up by the employer and trade unions. The trade unions should be involved in developing service improvement working groups, agreeing the methodology used to engage employees and determining the relationship between focus groups and review teams.
4. Working groups should have jointly agreed terms of reference covering the purpose, objectives, composition, status, frequency, timing, cover arrangements, preparation and circulation of minutes, and management involvement in meetings of frontline

employees. Employees should have the option of meeting without the presence of managers. Joint agreement should also be sought to change the terms of reference, composition, frequency and/or termination of working or focus groups which may be service based or generic.

5. An agreed procedure for assessing proposals made by frontline employees via working or focus groups, trade union alternative plans and/or from individual employees.
6. Full consultation on any proposals to contract out workforce participation or employee surveys to consultants.
7. Involvement should be regarded as long-term. It should be continuous and sustainable, extending from the review process to the implementation of action plans.
8. An opportunity for trade union representation in working groups of frontline employees, either through a relevant shop steward or branch official.

Commitment to quality employment, equity, sustainability and directly provided services

Section 4 refers to the NJC's guiding principles embodied in Part 1 of the Green Book (Single Status agreement). Their purpose is to support and encourage high quality services delivered by a well-trained, motivated workforce who enjoy security and equal opportunities in their employment. Equality should be a core principle underpinning both service delivery and employment relations. The guidelines also prescribe a flexible approach to provide services to the community, which meet employee and employer needs, and stable industrial relations through negotiation and consultation.

This section requires the local authority to practically demonstrate how it values its employees. Employee involvement cannot be divorced from good employment practices and the treatment of employees. Job satisfaction surveys have revealed that, alongside job security, pay, conditions of service and the working environment, staff also value how they are treated. This includes the approach taken by supervisors and managers, the provision of training and development and the practical application of equal opportunities. It also includes responsibility and flexibility to undertake their work, recognition for their ideas and credit for innovation and involvement in decision-making.

The provision of family-friendly working, such as child care and occupational health services, are crucial in this equation. Employees who have greater control and flexibility in their work, have lower rates of stress and, consequently, less illness and subsequent absenteeism.

Employee motivation could be supported by:

- A strategy for quality of employment which covers: Training and development, life-long learning, equalities, redeployment, changes to working practices and contract compliance, together with corporate guidance, which requires all service reviews to assess the quality of employment at each stage of the review (see below).
- A commitment to a comprehensive examination of the in-house service.

- A commitment to sustaining employee and trade union involvement. This is essential for creating the necessary conditions for continuous improvement. Employee and trade union involvement is not a one-off exercise - it will take time to develop good practice. This can be supported by establishing procedures, good practice, regular evaluation and appropriate organisational and management structures. Training and development programmes will be crucial if employees are to be involved in dealing with major change.
- A commitment, and supporting programme, to involve employees at all levels and locations, taking account of shifts, part-time and unsociable working hours.

Employees and unions involved throughout the Best Value process

Section 5 states that to succeed, Best Value needs the active support of the workforce. To gain this support, it is important that employers and trade unions co-operate based on a clear commitment to high quality direct services to the communities they serve. Ideally, local agreements should be structured around the different responsibilities of employers and trade unions, planning and organising of reviews, access to information, involvement in the 4Cs, action plans and performance plans and employee surveys. It may be appropriate to assess the effectiveness of existing methods by which employees and trade unions are consulted and participate.

It is important that both the employer and trade unions record all communications, including the submission of comments, views and proposals.

Joint responsibilities of local authorities and trade unions

- consultation on the programme of reviews;
- training for elected members, managers, employees and trade unions on the authority's corporate Best Value strategy and process including the identification of skills gaps;
- briefings and other methods of communication to increase awareness of the council's approach, priorities and objectives;
- preparation of terms of reference for reviews, reflecting corporate and departmental priorities, as well as clear guidance that review teams are not negotiating bodies. All such matters must be referred through the existing negotiating machinery;
- preparation of good practice toolkits requiring service review teams to account for the quality of employment and equalities at each stage of the review process;
- identify the employment impact of all options and changes to working practices and procedures;
- assess ways of improving employment prospects, equal opportunities and their implications;
- trade union representation on service review teams, including the number of representatives and frontline employees, based on the membership levels of unions represented in the service;

- selection of frontline employee representatives on service review teams discussed with trade unions as a matter of protocol;
- the status of representatives should be clarified and accredited to reinforce democratic accountability where the employee representative is not a shop steward or branch official;
- development of local performance targets, also covering equalities and sustainability, for user and employee/trade union involvement in different stages of the Best Value process.

The effect on employment in other departments should be assessed along with the impact on the Council's corporate policies and priorities. These should include potential effects on the local economy and regeneration.

Planning and organising the review

- consult trade unions on the scope and terms of reference for each review;
- careful programming of meetings and adequate notification of timing and location of meetings;
- agree procedure for trade union consultation on baseline profile, strategy for consultation of employees, review process, performance plan targets and trade union involvement in Best Value inspections;
- facility time for representatives and branch officials to participate in the Best Value review process and cover arrangements for frontline employees and trade union representatives;
- the process for trade unions to comment on service review recommendations and the submission of alternative proposals.
- protocol on how to work as a team;

Access to information

All information considered in the review and used in the development of future service options should be made equally available to all members of review teams.

- information disclosure and access to full documentation including the baseline profile, benchmarking data, options assessments and draft review reports;
- trade union consultation on final report of service review;
- process for making proposals and ideas for service improvements, including a system for employees working unsociable hours with infrequent contact with managers and other employees (for example, museum and home care employees).

Involvement in the 4Cs

- analysis of key issues and priorities;
- obtaining the views of employees and trade unions on their assessment of the existing service;
- selecting local indicators for quality, equalities and sustainability;
- the application of EFQM Excellence Model, Balanced Scorecard or other performance management models;

- assessing performance by benchmarking and other methods of comparing performance;
- identification and examination of good practice in other organisations;
- selecting and carrying out other methods of assessing and comparing services, such as quality audits and process mapping;
- selection of private and voluntary sector organisations for benchmarking;
- the purpose and types of consultation with users, potential users, community organisations and frontline employees within the corporate consultation strategy and available resources;
- developing ideas and proposals for service improvements and identifying changes to the way the service is organised, managed and delivered;
- staffing issues such as employee turnover, skills and training needs;
- the approach to developing markets, market research and analysis;
- the criteria and assessment of options.

Action plans and continuous improvement

- improvement targets and plans arising from a Best Value review should be developed with the participation of employees and their trade unions;
- employees and their trade unions should be provided with on-going performance reports and involved in performance monitoring and reviews;
- involvement in continuous improvement after completion of the service review;
- prioritising and sequencing of implementation of proposals;
- methods and criteria for assessing progress in implementing change;
- regular monitoring and evaluation of the implementation process;
- changes to the organisation of work and working practices required to achieve improvements should be subject to negotiation through the formal collective bargaining arrangements. Discussions should be based on a commitment to exploring new ways of working which provide better service delivery and benefit employees. Best Value should not be used as a device to reduce terms and conditions of employment.

Best Value Performance Plan

Employees and trade unions should be involved in:

- preparation of the annual plan;
- agreeing performance targets for service improvements, quality of employment, equalities, environmental sustainability, user/community and employee/trade union involvement;
- agreeing a statement on employee/trade union involvement in the past year and plans for their participation in the coming year.

Involvement in scrutiny

Trade union and community organisations should have the right to present written or oral evidence to the Scrutiny Panel and to be questioned on it. They should also be able to:

- attend Scrutiny Panel meetings;
- make proposals for the way in which Best Value reviews are assessed within the broader context of the social, economic and environmental well-being of the community.

Responsibilities of trade unions

- training in the Best Value process for shop stewards and representatives;
- provision of a statement covering the responsibilities of representatives on review teams, including reporting back to the branch;
- provision of trade union support and coordination for representatives in review teams, such as regular feedback meetings or establishment of a branch Best Value working group;
- provision of information to review teams on trade union evidence of good practice, experience of outsourced contracts, contractors and management consultants;
- where practicable, joint trade union coordination of responses to Best Value issues;
- draw together members' ideas for service improvements if this has not been done within the review process.

Communicating with the workforce

- communicating progress on service reviews and other Best Value initiatives to all employees and trade unions;
- reporting back on results of employee and trade union involvement to all staff;
- relaying conclusions of options appraisals and main recommendations of service reviews.

Employee surveys

Surveys have very different objectives. For example, they may assess job satisfaction, employees' attitudes, their understanding of Best Value, ideas for service improvements and views on the working environment. Trade unions and frontline employees should be involved in the design of employee surveys and questionnaires.

A clear purpose is crucial in any survey. Agreement should be sought on the following:

- objectives and use of the survey
- purpose of the questions
- design of questions
- sampling method
- timing
- promotion and supporting information
- who carries out the survey
- analysis and evaluation
- reporting of the results
- use of the results to inform the Best Value process

Employees and unions involved in the process of consulting the community

- trade union involvement in developing the corporate strategy for consultation;
- trade union involvement in the consultation plan for each service review, including the key issues, objectives, methods and assessment of user/community responses;
- trade union representatives participating in key stages of user/community/public consultation during the review process;
- the employer should respond positively to trade union and/or community initiatives which propose service improvements;
- frontline employee suggestions for most appropriate methods of user consultation.

Employees and unions involved in the implementation of action plans and continuous improvement

- the programming of proposals and plans;
- regular monitoring and evaluation of action plan implementation;
- developing more detailed proposals in the period following the service review;
- assisting in establishing annual performance targets;
- assessing progress in meeting these targets and determining the reasons for success or failure.

Employees are treated fairly and Best Value is not used to drive down terms and conditions

- ensure all service reviews are fully informed of corporate employment policies, employee care strategies and trade union charters for quality employment (See Code for Quality Employment, Centre for Public Services, 1998).

Reviews should assess:

- the potential impact on the quality of service;
- the equality implications of any staffing changes;
- the knock-on effect on other departments and the community.

Reorganising in-house services

Section 6 covers the reorganisation of in-house services. For example, changing working arrangements and work content to improve service delivery and the need for full workforce and trade union involvement from the outset. It explores new ways of working to produce better services and jobs to the advantage of authorities and employees.

- negotiating changes to working practices, procedures, responsibilities, introducing new technology and equipment through the existing consultation procedures;

- full disclosure of the proposals and their implications for working practices, opening times, staffing structures, rotas and work schedules;
- job satisfaction assessment and job enhancement proposals where applicable;
- negotiating redeployment, (re)training and employee development;
- identifying the scope to address and improve equalities for employees and service users when reorganising in-house services;
- assessing health and safety implications of proposed changes;
- jointly evaluating each stage of implementation to learn lessons.

Examining market testing options

Section 7 stresses the high standards and transparency required in public procurement. The need to ensure that the workforce fully understands and is involved in the process is critical. Employees should participate in discussions with external bidders and the local authority has a duty to safeguard the rights and interests of transferred employees.

- councils' procurement strategies for Best Value should include workforce issues. Contract standing orders should be revised to incorporate the new provisions which allow councils to take workforce matters into account in procurement.
- trade union involvement in the preparation of specifications, packaging of the contract, evaluation criteria, quality plans, method statements and monitoring;
- provision of information and summaries of contractors' proposals to trade unions during the bidding and evaluation process;
- require bidders to meet with trade unions to discuss recognition, terms and conditions, health and safety, training, pensions, equalities, single status and the contractors proposals for the management and operation of the contract;
- discuss with trade unions the need for draft terms of reference for the use of consultants and advisers for use in the tender preparation and evaluation process;
- enable trade unions to contribute to the assessment of companies expressing an interest in bidding by supplying information about their track record on relevant matters.

These may include contract performance, human resource procedures, health and safety, criminal convictions, acts of grave misconduct and breaches of employment protection.

- discuss a draft of the evaluation criteria and process with the trade unions and examine proposals from them and their advisers;
- adopt a Code of Good Practice for TUPE transfers which require the authority to fully address the impact of any employee transfers both during and after the procurement process; invite tenders only from suppliers whose approach to human resources and industrial relations meets the contract's high standards; thoroughly assess the human resources implications of the potential suppliers tender; fully consult and inform trade unions

throughout the procurement process; and monitor and review the human resources policies and practices of the contractor and relevant subcontractors to ensure they observe all relevant aspects of employment law and provide family friendly policies;

- require bidders to discuss their proposals for achieving continuous improvement with the trade unions, meeting Best Value performance and review requirements, as well as their plans to involve employees and trade unions in managerial, organisational and operational change during the course of the contract;
- the transfer of a local NJC Best Value Agreement to the contractor.

Local agreements

Section 8 encourages local authorities and trade unions to negotiate local agreements covering Best Value policies and procedures, including changes to working practices and trade union facilities.

- local authorities and trade unions to jointly draft a local agreement for detailed consideration by all parties;
- ensure that it compliments the existing industrial relations framework;
- finalise the local agreement and ensure that it is disseminated to managers and trade union representatives throughout the authority;
- review the local agreement annually and jointly agree any amendments;
- monitor the implementation of the local agreement at departmental and frontline service level.