

## TRADE UNION REPRESENTATION AT BOARD MEETINGS

Report of the Director of Derby Homes

### SUMMARY OF REPORT

1. At its last meeting the Board discussed the question of trade union representation during the consideration of matters on the confidential agenda. This report sets out options for how this issue could be dealt with on future occasions.

### RECOMMENDATIONS

- 2.1 That the Board consider and determine whether or not a trade union representative appointed by the Derby Homes Joint Consultative Committee be invited to attend the Board meetings as an observer.
- 2.2 That the Board consider and determine whether or not the trade union representative at such meetings should speak at the discretion of the Chair.
- 2.3 That the Board consider and determine which of the following options to pursue when dealing with considering confidential business
  - a) the trade union representative shall not receive a copy of the confidential reports and shall be required to leave during consideration of this item
  - b) the trade union representative will receive a copy of a confidential report where it refers to staffing matters that have already been the subject of consultation with the trade unions, and be allowed to remain, but only to speak with permission of the Chair
  - c) the trade union representative will receive a copy of all confidential reports and be allowed to remain and only be allowed to speak with the permission of the Chair
  - d) the trade union representative will receive a copy of all confidential reports and remain, but be required to leave for any such confidential item, or at any time, during consideration of the item if in the view of the Chair their presence may impair full debate of the item.

## **MATTER FOR CONSIDERATION**

- 3.1 The City Council resolved, in July 2001, to constitute a Shadow Board for Derby Homes and to invite the trade union side of the Corporate Joint Committee to appoint an observer to attend its meetings.
- 3.2 Since incorporation, in February 2002, Derby Homes has maintained this practice. The trade union representative is not one of the 15 named Directors of the company and continues to attend meetings in the capacity of an observer, with the right to speak at the discretion of the Chair. It is proposed that this continue to be the position with that representative now being appointed by the Derby Homes Joint Consultative Committee.
- 3.3 There appear to be 4 main options for dealing with the issue of trade union representation and confidential reports
  - a) that the Board considers confidential matters are properly its decisions alone and excludes trade union representatives from receiving a copy of the report or remaining to hear debate on the item
  - b) as (a) above, but there are occasions where it is appropriate to consult staff and their trade unions before bringing a report, which has significant personnel implications to the Board. Where such prior consultation has taken place the Board may agree that the trade union representative receive a copy of the report and remain in attendance and for them to speak at the discretion of the Chair
  - c) the Board may wish to extend option b to other reports which may be confidential but do not relate to staffing issues
  - d) the Board may allow the trade union representative to remain, it may become evident to receive copies of all confidential reports and remain, but it may become evident to the Chair, at the commencement of an item, during presentation of the report or debate upon it, that full disclosure of information or full debate may be impaired by the presence of the trade union representative. In these circumstances the Chair shall require the trade union representative to withdraw.

## **CONSULTATION IMPLICATIONS**

- 4 The trade union representative has not been consulted on the contents of this report.

## **FINANCIAL IMPLICATIONS**

5. There are circumstances in which the Board may need to consider in private the financial implications of a decision it has been asked to make.

## **LEGAL AND CONFIDENTIALITY IMPLICATIONS**

- 6.1 Article 19 of the Company's Articles of Association delegates the management of the Company to the Board.
- 6.2 Under Article 27 the Board may regulate its proceedings as it thinks fit subject to any regulations passed by the Company in a general meeting. No such regulations have been passed. Accordingly it is open to the Board to determine the extent to which its meetings are open to the public and the circumstances in which persons other than Board members may attend and speak.

## **PERSONNEL IMPLICATIONS**

- 7. There are circumstances in which the Board may need to consider in private the personnel implications of a decision. It is best practice to consider items regarding personnel matters in the confidential part of the agenda because they are still subject to consultation with trade unions and the Board should have the opportunity for a full and frank discussion of options in private. However, it is also best practice for trade unions to be consulted in board items about an issue, so that their views and initial concerns can be addressed in the proposals brought to the Board. Regular meetings are held with the trade unions to discuss issues and Derby Homes Board and managers have committed themselves to good working relations with trade unions.

## **ENVIRONMENTAL IMPLICATIONS**

- 8. None.

## **EQUALITIES IMPLICATIONS**

- 9. None.

### **Contact Officer**

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