

**Minutes of teleconference of the
Cochrane Collaboration Steering Group (CCSG)**

15 November 2012

[Minutes approved by email on (07 December 2012)]

Present: Sally Bell-Syer, Lucie Binder (Project Support Officer), Rachel Churchill (present from Item 3 onwards), Jonathan Craig (Chair), Marina Davoli, Michelle Fiander, Jeremy Grimshaw, Jini Hetherington (Company Secretary), Julian Higgins, Lorna McAlley (Minutes), Steve McDonald, Mona Nasser, Mary Ellen Schaafsma, Denise Thomson, David Tovey (Editor in Chief), Liz Whamond (present from Item 5 onwards), Mark Wilson (CEO) and Mingming Zhang.

1. Welcomes, apologies, declarations of interest, and approval of the agenda

Jonathan welcomed everyone to the teleconference. No declarations of interest were identified and it was agreed that discussion of Items 4 (Co-Chairs' report) and 5 (Editor in Chief's report) would precede Item 3 (Approval of minutes of CCSG meeting, Auckland). With this agreed, the agenda was approved.

2. Welcome to Mark Wilson, CEO

Jonathan welcomed Mark and explained that agendas of future CCSG meetings should include a report from him as a standing item. Mark said that his first three days in post had been incredibly busy, with an emphasis on discussions regarding the Future Publishing Arrangements Project (FPAP). He added that the staff of the Cochrane Operations Unit (COU) had made him feel very welcome.

3. Co-Chairs' report

Jeremy chaired this item, providing a summary of the recent progress regarding the Future Publishing Arrangements Project (FPAP). The CCSG had recently approved a requested increase to the FPAP budget during the special CCSG meeting to discuss the publishing arrangements. *Due to the commercial sensitivity of the discussion, further minutes on the FPAP discussions are not available.* Jeremy added that he had recently attended the formal re-opening of the Italian Cochrane Centre which had relocated from Milan to Modena, a move which Alessandro Liberati had been working towards before his death.

4. Editor in Chief's report

David explained that Toby Lasserson continued to work on proposals for improvements to the RevMan software, and that a meeting would be held in December to discuss semantic web issues. David also welcomed Orla Ni Ogain, who had recently been appointed to the position of Editor during Rachel Marshall's maternity leave.

5. Approval of minutes of CCSG meeting, Auckland

Jonathan took the Steering Group through the draft minutes to check for any further amendments. Jini would make the approved minutes publicly available.

ACTION: Jini to accept the proposed amendments to the minutes, disseminate them via email to entities and CCIInfo, and put them on the website.

6. Treasurer's verbal report on current financial situation, and cash flow forecast.

Mary Ellen commented that there had been no change to the current financial situation since her previous report, with the exception of the very recent increase to the FPAP budget. Mark expressed his intention to work closely with Mary Ellen on all future financially related matters.

Action: Mary Ellen to arrange for the increased budget for FPAP to be added to the cash flow forecast.

7. Appointment of a new Funding Arbiter

Jonathan explained that the Funding Arbiter needed to be a member of the Steering Group. Sophie Hill had previously held this position, but as she had left the CCSG a new Funding Arbiter was needed. Any member of the Steering Group who would like to put themselves forward for this role was invited to do so by informing Jonathan. The Co-Chairs and CEO would take forward this appointment.

ACTION: Steering Group members with an interest in the Funding Arbiter role to inform Jonathan.

8. HR consultant's review of employment policies and terms and conditions

The HR consultant's report identified that the Collaboration's HR policies did need some work to bring the employment policies and terms and conditions into line with UK policies. The report contained several specific recommendations, including the need to bring the Staff Handbook up to date with current UK policies. Mark agreed that the policies adopted by the Collaboration were designed for organisations with far larger numbers of employees. Mark intended to standardize the Collaboration's HR policies by expanding the recommendations to provide practical solutions.

ACTION: Mark to work with COU and CEU staff to implement the suggested Handbook improvements and update the HR policies. Mark would write and thank the consultant for her report.

9. Discretionary Fund application: African Contributors' Meeting, May 2013

The CCSG approved the application to the Discretionary Fund from the South African Cochrane Centre to support an African Cochrane Contributors' Meeting in May 2013. The concept of an allocated budget, for funding meeting requests of this nature, was debated. Jonathan explained that the budget recently approved for 20th Anniversary activities did not include funding for special meetings that entities might wish to hold.

ACTION: Jonathan to inform the South African Cochrane Centre that the CCSG had approved its application to the Discretionary Fund.

10. Invitation to host mid-year meetings in Panama in 2014

At the request of the CCSG, Mario Tristan and his colleagues had altered the dates on which they would be pleased to host the Cochrane mid-year meetings in Panama, from 30 March to 5 April 2014.

ACTION: Jini would let Mario Tristan and colleagues know and thank them for their invitation.

11. Matters arising from the CCSG meeting in Auckland, not appearing elsewhere on this agenda

None.

12. Action items spreadsheet

Jonathan asked CCSG members to continue to communicate their completed action items to Alice Mitchell so that she could keep the spreadsheet up to date as a useful reminder to everyone.

Action: CCSG members to assist Alice in keeping the spreadsheet up to date.

13. Any other business:

13.1 **2013 mid-year meetings:** It was agreed that the second of the three scheduled CCSG

meetings in Oxford, on 20 March 2013, should finish in time to allow CCSG members to attend the Opening Plenary at 16:00. Mark proposed reducing the duration of the CCSG meetings from 2 to 1.5 days. The Co-Chairs supported this proposal in principle and would discuss this with him.

Action: Jeremy, Jonathan and Mark to discuss reducing the duration of future CCSG meetings.

13.2 **MEs' Support Team:** Sally explained that although Sonja Henderson would be retiring in December 2012 as Managing Editor of the Pregnancy and Childbirth Group, she would continue to help Harriet MacLehose in shaping the functioning of the MEs' Support Team.

13.3 **FPAP:** Thanks were again expressed to the FPAP project board for their continuing hard work.

13.4 **CEO as an authorised signatory:** Mark suggested that he ought to be an authorised signatory for all the Collaboration's financial transactions; the CCSG had no hesitation in formally approving this arrangement.

Action: Claire to arrange the necessary bank mandates.

14. **Date of next meeting**

Wednesday 23rd January 2013.

ACTION: Lorna to send the CCSG the finalised dates of its 2013 teleconferences.

**Review of
Employment policies and terms and conditions of employment
for the Collaboration's centrally funded staff in the UK
(Cochrane Operations Unit and Cochrane Editorial Unit)**

1. Introduction

Paul Farenden, The Cochrane Collaboration's Interim Executive Director, commissioned PJB Milestone Ltd, management consultancy, to undertake a review of the employment policies and procedures of the Collaboration's centrally funded staff in the UK, employed in the Cochrane Operations Unit in Oxford and the Cochrane Editorial Unit in London.

This report contains the findings of a review of the Staff Handbook and the associated statement of terms and conditions of employment, hereinafter referred to as 'the contract'.

The review considered:

- Compliance with employment law and related legislation.
- Consistency with ACAS (Advisory, Conciliation and Arbitration Service) codes of practice.
- Appropriateness of the policies in the context of the organisation's size, type and infrastructure.

This report sets out the findings of that review.

2. Detail

2.1 Legislative Compliance Overview

The primary legislation against which this review has been undertaken has been the Employment Rights Act 1996 (ERA) and it is noted that generally the company is compliant with the requirements of this, and related Acts of Parliament and statutory instruments, except insofar as the following:

- Statutory notice periods. In the event that the COU or CEU need to give notice to terminate the employment of an individual, the minimum periods are contained in section 86(1) of the ERA. However, section 8(a) of the Staff Handbook is not compliant with regard to minimum periods of notice set out in the Act, and should be amended.
- Compulsory retirement. The Equality Act 2010 determined that it would be unlawful to require individuals to retire at a given age. Section 8(d) of the Staff Handbook, the requirement that individuals are retired at the age of 65 years, is therefore non-compliant with the legislation and should be amended.
- Waiving of employment rights for workers on a fixed term contract. This provision is no longer permitted under the Employment Relations Act 1999. The Staff Handbook should therefore be updated.

A summary of the key findings and recommendations of the review against legislative requirements are set out at Appendix 1.

2.2 Codes of Practice

Codes of practice do not have statutory force and are therefore not compulsory. However, codes of practice are used by the courts, in the event of employment disputes, to guide them in determining a judgement, and any unreasonable failure to comply with the codes of practice can result in tribunals adjusting compensatory awards by up to 25%. It is therefore appropriate for employers to adhere to these. In this regard, the COU and CEU are compliant; however, the policies adopted go beyond the requirements set down by ACAS. This may give rise to difficulties as set out in section 2.3 below.

A summary of the codes of practice is set out at Appendix 2.

2.3 Appropriateness of Employment policy

Good employment policies can help an organisation to be more effective, improve financial viability and respond appropriately to matters that arise in respect of employee relations. They also help employees to know where they stand in relation to standards and what they can expect from their employer. However, it is easy for employers to over-complicate policies or produce convoluted processes that increase the risk of not being able to follow their own processes effectively. In the event of litigation by an employee, Employment Tribunals evaluate employer's actions against standard codes of practice **and** their own policy if that goes beyond the statutory or minimum practice required.

Consequently, particularly with small firms and charitable organisations, there is a need to balance the desire to manage and reward staff fairly and appropriately, with the need to ensure that resources are appropriately expended and that the organisation has the infrastructure and capability to manage its employment policy and processes effectively.

In light of this there are three areas where the COU and CEU may wish to review their current approach:

- **Employment policy:** Both the grievance and disciplinary procedures go beyond the requirements of the ACAS codes of practice, adopting processes more commonly associated with large public sector employers that have different structures and resources. It is recommended that the discipline and grievance procedures be simplified in line with the ACAS code of practice.
- **Performance appraisal:** It is noted that there is currently in place an Appraisal process; however, it is recommended that this is updated to focus objectives, performance reviews and development around organisational need.

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- **Terms and conditions of employment.** It is noted that the COU and CEU adopt a number of elements of the NHS 'Agenda for Change' national terms and conditions of employment. Whilst this creates certainty and ease for the company, the NHS 'Agenda for Change' is designed for a different operating model and organisation type, namely, the large scale, complex, public sector.

Given the nature of the organisation it is advised that 'Agenda for Change' national terms and conditions would **not** be recommended, due to their inflexibility and cost, e.g. broad banded structures and generous benefits such as sick pay entitlement. Indeed, the NHS has recognised that these terms and conditions are no longer fit for purpose in today's economic climate and are currently engaged in negotiations nationally with Trade Unions to review aspects of the contract.

The COU and CEU may therefore wish to consider developing local terms and conditions of employment that address the following issues:

- Affordability and value for money,
- The ability to recruit candidates of the appropriate calibre (particularly important when employing 'professionals'),
- Staff retention and the competitiveness of the labour market.

If the COU and CEU chose to do this they would also need to consider whether to change the terms and conditions for existing staff, which would require formal consultation and due process, or simply to apply the new terms and conditions to future employees.

3. Summary Recommendations

- 3.1 Update the Staff Handbook to reflect current law and good practice, as set out in Appendices 1 and 3.
- 3.2 Update the 'contract' to reflect current law and good practice, as set out in Appendices 1 and 3.
- 3.3 Develop simpler Disciplinary and Grievance procedures in line with ACAS Codes of Practice, as set out in Appendix 2.
- 3.4 Develop a more detailed Health and Safety policy in line with HSE guidance (see Appendix 1).
- 3.5 3.5 Develop a revised Appraisal process. Review the terms and conditions of service, and consider moving away from 'Agenda for Change' terms and conditions.

*Janine Brennan
PJB Milestone Ltd.
02 November 2012*

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Appendix 1

Compliance with legislation and other statutory provisions

Provision	Recommendation
Staff Handbook and contract: Statutory notice periods. In the event that the COU and CEU need to give notice to terminate the employment of an individual, the minimum notice periods are as follows: 1 week for each year of service up to a maximum of 12 weeks. In this regard section 8(a) of the Staff Handbook is not compliant with this minimum period of notice which refers to a maximum of 4 weeks' notice.	Amend the Staff Handbook and the statement of terms and conditions of employment (the 'contract')
Staff Handbook: Compulsory retirement. The Equality Act 2010 removed the ability of employers to require individuals to retire at a given age. To this extent section 8(d) of the Staff Handbook is unlawful.	Amend the Staff Handbook and terms and conditions of employment.
Staff Handbook: Section 2c – notification of changes to terms and conditions of employment is required to be notified to the employee within 4 weeks of the change.	Amend the Staff Handbook to reflect this.
Staff Handbook: Section 6 - Health and Safety: All employers with 5 or more employees are required to develop a Health and Safety policy. The COU and CEU set out their policy in the Staff Handbook. The policy needs to be further developed to include, for example, responsibilities and processes for risk assessment.	Develop a revised Health and Safety policy in line with Health and Safety Executive (HSE) guidance.
Contract: Section 8. The statutory provision that permitted employers to require employees to waive their rights to claim unfair dismissal upon the ending of a fixed term contract (as currently, specified within the Staff Handbook), was removed by the Employment Relations Act 1999.	Remove this condition.

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Appendix 2

Application of Codes of practice

Code of practice	Centre Position	Recommendation
ACAS code of practice on disciplinary procedures	<p>The procedure is compliant, but goes above and beyond that which is required. This may give rise to difficulties in terms of the infrastructure required and skill of managers in dealing with more complex procedures.</p> <p>The 'downgrading/transfer' section requires a corresponding term to be incorporated into the contract.</p>	<p>Develop a revised policy.</p> <p>Amend contract or withdraw this clause.</p>
ACAS code of practice on grievance procedures	<p>Compliant, but goes above and beyond that which is required, which may give rise to difficulties in terms of the infrastructure required and skill of managers in dealing with more complex procedures.</p>	<p>Develop a revised policy.</p>

Appendix 3

Staff Handbook

Issues	Notes	Recommendations	Rationale/benefits
Section 2 b Aims – staff development	The Appraisal process is not sufficiently well structured around setting smart objectives, identifying personal development needs and reviewing individual performance.	Develop a revised appraisal process.	This is good employment practice to ensure that employees are clear about standards and expectations, ensure their efforts are aligned to the evolving needs of the organisation, provide a clear mechanism for measuring performance against standards expected and, in the event of underperformance, provide structure and evidence in the event of a dispute.
Section 2fii Sick pay	This section is contradictory in that it refers to eligibility to 4 weeks' full sick pay and then refers to 'Agenda for Change' sick pay which provides for up to 6 months' full pay and six months' half pay. Sickness is again referred to in section 4e which refers to 'Agenda for Change' which provides for up to 6 months' full and 6 months' half pay, whereas it also states that occupational sick pay is discretionary (which it isn't under the 'Agenda for Change'). It is also inconsistent with the statement of terms and conditions of employment, which refers to a maximum of 4 weeks' full sick pay followed by statutory sick pay only (paragraph 12).	Review sick pay entitlement.	Provide clarity over sick pay entitlements. Reduce risk of grievance and/or litigation arising from inconsistencies in the approach to sick pay.

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Issues	Notes	Recommendations	Rationale/benefits
Section 2e Probationary periods	The probationary period is set at 6 months; however, in the event of unsatisfactory performance the employment could not be terminated until after 6 months (as there is a formal review at 6 months).	Develop revised process.	Provide greater clarity and consistency.
Section 2kiii Personal property	This section refers to personal property 'left' on premises but does not cover property brought onto the premises that is not 'left'.	Amend wording – 'brought and/or left'	Clarity over what is excluded.
Sections 5b and 5e Maternity, adoption and paternity leave	The COU and CEU apply 'Agenda for Change' entitlements, which go beyond statutory requirements.	Review policy and potential costs, depending on workforce profile.	This may not be an issue, given the size/profile of the workforce; however, it can bring considerable additional costs for employers.
Section 5a Annual leave	<p>The Staff Handbook refers to 'Agenda for Change' which is significantly greater than statutory provisions, whereas the contract refers to 27 days' annual leave, which is less than 'Agenda for Change', depending on length of service.</p> <p>There is currently inequity between staff, which could give rise to a grievance (equal pay).</p> <p>The section does not provide for recent case law concerning sickness during annual leave and carry over.</p> <p>The annual leave carry over allowance is greater than under 'Agenda for Change' (10 days as opposed to 5 days).</p>	<p>Review leave entitlement and amend handbook/contract to ensure consistency.</p> <p>Determine action based on review (see above)</p> <p>Amend Staff Handbook</p> <p>Review</p>	<p>Ensure consistency and reduce risk of grievance.</p> <p>Reduce risk of grievance and ensure equity in contracts.</p> <p>Compliance with recent case law.</p>

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<p>Section 4a: Salary arrangements.</p>	<p>Aligns with 'Agenda for Change' provisions, which includes pay awards being determined nationally. This limits the ability of the COU and CEU to adjust pay levels according to local circumstances and/or withhold increments in the case of under-performance of an individual.</p>	<p>Review application of 'Agenda for Change' terms and conditions.</p>	<p>Affordability, local control and nature/size of organisation.</p>
<p>Section 4b: Overtime</p>	<p>The section does not refer to overtime rates; however, the contract refers to time off in lieu.</p>	<p>These clauses need to be consistent. Re-draft to ensure consistency.</p>	<p>Clarity and consistency.</p>
<p>Section 4d: Business travel for CEO and Editor in Chief</p>	<p>Typically, provisions that relate only to a small section of the workforce are contained within individual contracts of employment rather than a Staff Handbook.</p>	<p>Include in individual contracts of employment.</p>	<p>Not relevant to the majority of staff for whom the Staff Handbook is intended.</p>