

Our ref:

Your ref:

AM/CJ/Derby City

When telephoning please ask for:

Adrian Morgan



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Dear David Cox

I am writing on behalf of UNISON members in relation to the current process of consultation which you are undertaking with the intention of dismissing and reengaging those staff onto altered terms of employment who haven't willingly accepted the changes. As you know UNISON do not consider that this is being carried out in a way which is conducive to good industrial relations and the consultation process is creating greater unrest amongst staff and we consider that the inconsistent messages and lack of follow up responses is failing to meaningfully consult with the workforce.

We consider that if the employer chooses to use the method of dismissing and re-engaging in order to change the terms this will be a redundancy dismissal for the purposes of collective consultation and the employer must comply with the collective redundancy consultation procedure or risk the payment of a protective award. There are specific obligations which you are required to fulfil and one is consulting with the workforce. You have selected to undertake direct consultation in a variety of forms ranging from discussions using the Pay and Reward Helpline with individual members of staff to more formalised group meetings or seminars undertaken by Managers with support from your team.

By setting up this method of Direct Consultation with staff it doesn't negate from the fact that the consultation must be meaningful and enable those staff the opportunity to ask and have responded to their questions. This is not always the case. As you are aware UNISON representatives have been working hard to attend all of the meetings which we have become aware of to support our members. Initially we weren't always notified of the meetings, this has improved but notice is sometimes still short. Nevertheless, the point I am making is that we are in attendance at all meetings and we meet up to discuss these and share what is being said to staff and we are becoming more alarmed by the distinct responses which contradict others at the meeting, of which I will provide examples, and the vague and often missing responses to the very fundamental questions staff are seeking responses to, again I will provide examples.



We appreciate that this is never going to be easy within the restricted time to formulate a clear response to all the questions raised but at times the answers vary so widely that it is leaving staff feeling further confused and making the direct consultation exercise a wasted opportunity and therefore not meaningful.

Examples:

1. There have been a number of questions raised about the impact this will have on Pensions. There has been specific questions about employer and employee contributions and the impact of Pay Protection on how much is paid. There has been attempts by Pay and Reward Team members and managers to answer these but they remain vague responses.
2. There has been a variety of opinions given on how this dismissal and re-engagement will be documented on a personnel file. Our view is that it shouldn't be or that it should be documented as an accurate depiction that the employer used this method to vary terms. This is not the response being given in direct consultation meetings, the responses vary from: "not at all" to "it will affect your ability to seek future employment as it will show as a dismissal" to "you won't be able to get a mortgage if you apply" these are frankly scaring people and whether that was or was not your intention it is unhelpful and not an honest response. The variety of responses given to staff when they ask is creating mistrust of responses given.
3. It has been raised in schools but not responded to the treatment of holiday entitlement with reference to term time working and maternity leave. Can and how is this added to the end of maternity leave.
4. Craig Riggs said at a meeting that payment of Special Classroom Allowance is not discretionary in schools but needs to be triggered by Head teacher our members would like you to confirm that it will not be "Budget dependant".

Below are examples of the outstanding unresponded to questions directly documented in the Direct Consultation meetings:

1. Can you please advise what action has been taken to ensure all employees including those who have not yet received an outcome letter, or recently appointed employees have been included in the consultation process?
2. Are you satisfied that every employees has received your communications and how do you intend to proceed with any that have been missed or are appointed between now and 31/5. Will they receive the benefit of the 12 week notice period.?
3. In schools please advise how you intend to deal with the issue raised over payment of sickness during holidays in respect of employees that have less than a 52 week contract. Will they be able to take holiday at another time or receive a payment in lieu ?

4. For schools how do you intend to calculate salaries for temporary contracts (less than 12 months) with a view to payment of holiday and unpaid leave, with particular reference to the uneven distribution of school holidays and term time contracts?
5. Please provide general information regarding the effect on pensions provision for staff who are losing substantial payment due to changes to terms and conditions, this is a major concern to many employees and the guidance on the SIPiderby refers only to potential loss due to Job evaluation.
6. On IDerby employees are being notified that they cannot buy additional leave unless they sign the new changes to their Terms. We consider that clearly this is wrong as the right to buy additional leave was implemented in 2014 and this has never been discussed as a proposed change or amendment in any of the documented consultation with the recognised trade unions. Unless otherwise documented this needs to be removed and is further example of the false impressions being shared amongst staff which is creating a veil of fear and mistrust.
7. In schools where temporary contracts are issued to potentially mitigate loss of pay in the short term, will these be included in pay for purpose pension contributions or will staff have the option to opt out of making further contributions for benefits they are unlikely to ever receive. How will this be facilitated?
8. A large number of staff close to retirement who are potentially losing out through changes to terms and conditions are very concerned about the effect of these changes on their eventual pension payment. Many of these individuals will need to make important decisions about their futures and potentially about their ongoing membership. Would DCC consider working with LGPS at Matlock to provide a dedicated contact to deal with the most urgent of queries?
9. Have the LGPS at Matlock been briefed on the proposed changes and DCC policy relating to POE and temporary contracts so that they are able to provide members with accurate information to enable them to make decisions as people are being referred to LGPS at Matlock who don't appear to know what the situation is in DCC?
10. A number of staff have indicated that they will have no choice but to leave the LGPS in a bid to make ends meet... Bearing in mind that this will result in a staff cost saving for each school. How will this be reallocated? What is DCC going to do to try and salvage this as they are culpable for the future income losses of their employees post retirement as they wouldn't be making such drastic decisions if the changes to T&C's which result in loss in income weren't happening?
11. It has been very clear, especially in the past months meetings, that the EPR team have greatly overestimated employees access to information on the SIP, particularly for cleaners, caretakers/ site and kitchen staff. Can this be added

to the lessons learned and ensure that care is taken to ensure that they communicate effectively with these individuals moving forward. What work is being done to ensure that access can be granted or alternative methods sought?

12. A further lesson learned is that scant attention has been paid to equalities issues particularly relating to communications with staff who do not have English as first language, hearing impairments and other difficulties with understanding. Can we ensure that equalities issues are dealt with sensitively and more importantly support offered?
13. In Schools can the team clarify the new hourly rate including holiday pay for supply work at the following levels and confirm whether Head Teachers will have flexibility to decide at which scale point supply payments are based on
TA1
TA2
HLTA

And the corresponding uplift for staff at each of the TA1 and TA2 levels when they work or cover for teachers at HLTA, on a supply basis?

14. Would the team please ensure that Head Teachers are aware that the reference to "short term cover of classes" made in JIQs DOES NOT include regular cover for teachers PPA
15. This is to be paid as supply as above or alternatively, a separate contract for the HLTA hours should be issued eg. 27.5 hours TA2 / + 5 Hours HLTA.

As you will note there are significant questions and unanswered queries documented. I appreciate that we are due to meet tomorrow at a Pay and Reward meeting and therefore you may not be in a position to provide a full or even a holding response to this letter. I wanted to ensure that UNISON documented clearly the concerns around, not meaningfully consulting with staff on the dismissal element of the dismissal and re-engagement, to be highlighted as don't want there to appear to be acceptance of what is happening nor do I want UNISON to take part positively in the direct consultation by attending all the meetings we are aware of to support our members, to be subsequently accused of raising objection at the final hour as we have already been falsely accused of, which is simply not true and a wilful misinterpretation of fact.

Yours sincerely

Caral Johnson

 ADRIAN MORGAN
REGIONAL ORGANISER

Cc Janie Berry, Derby City Head of Governance
Paul Robinson, Derby City CEO
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