

## To: Cabinet Committee

21 October 2009

### Recommendations:

1. That a meeting to be convened within two weeks of the Cabinet meeting regarding the role of trade unions in the project.
2. That the Cabinet authorises senior officers to include TUPE Plus as part of the Optional Appraisal process and business cases being prepared as mentioned in the Timetable on page 106 of the Cabinet report.

Dear Cabinet member

Unlike previous Future Shape Cabinet meetings the Trade Unions have not submitted a report to this Cabinet at this stage. However, we wish the Cabinet to be aware of the following serious concerns.

### 1. Lack of Consultation

- It has been three months since we submitted our report to 6th July Cabinet and we have still not had a response. The report was acknowledged in the Cabinet meeting and we had expected it would have led to further discussions. Ignoring our submissions is a concern and this is at odds with the message from the Audit Commission, IDeA and the Government that trade unions are a key stakeholder and should be included fully in the consultation process.
- Senior officers and consultants have spent the last three months been preparing this 38 page report.
- The trade unions only saw the proposals (the report) on the day it was put online for the public.
- In the last three months we have had a one hour meeting with Chief Executive and the Executive Director, Organisational Development. We were shown a brief Power Point presentation. In total this year we have had approximately **less than 9 hours** consultation as compared to weekly meetings we were having before 3<sup>rd</sup> December Cabinet Committee.
- When the Future Shape project began the Council made a commitment to fully involving the trade unions. This included provision of resources for critical support. This was a ground breaking agreement and was something which the trade unions felt signalled a genuine commitment to

joint working on what would be the biggest and most fundamental change ever faced by Barnet staff.

- It is a matter of fact that the funding for critical support was withdrawn in December 2008 and resources to support the trade unions reduced. Furthermore our active involvement has been practically closed down.
- The Seven Future Shape groups excluded the trade unions. It is clear from feedback that some of these groups become simply talking shops whilst the real work was being done behind the scenes by the consultants. The figures produced for the last Cabinet Committee were not produced by the groups but from a spreadsheet sent out in haste to a selection of managers last year. Our report to Cabinet in July asked for clarification as to how the figures were produced. We never received a response.
- The exclusion and what appears to be an attempt to marginalise the Trade unions is demonstrated in the report being submitted today. In the 38 page report there is no role for the trade unions, apart from a brief mention in 6.3 of the report. In the appendices at the back of the report under the heading **People & Culture** there is no mention of trade unions, only of staff panels. This is a surprise and disappointment to the trade unions and our members. It is worrying that the Council seems to be rapidly moving away from wanting to work with the Trade unions at a time when staff and services are facing massive change.
- In the last 14 months Cabinet members and senior officers have visited other Councils to look at other partnerships. The Unions understood the purpose of this exercise was to see what lessons could be learnt in order to inform what options may suit Barnet. References are made to some of these visits as providing possible models but when we asked for details of these visits we were told that there are no details available. We have been producing our own reports on models adopted by other councils which we will be publishing. It is, however, worth noting that, in the models of which the Cabinet have no doubt not been made aware, the trade union engagement has been much more open and active.

## 2. Equality Impact Assessments

- In 5.4 of the report it states ***“..the Council will specifically look at equalities and diversity issues through the business case development and prototyping to ensure that there will be no differential service outcomes for different communities.”***
- The Trade Unions have had no response to requests for discussions on an agreed corporate equality impact assessment. In the absence of any such policy we are submitting a DRAFT policy for discussion.

## 3. Procurement/Commissioning

- In the report ***4.5 High quality service delivery:*** it states that ***“Poor procurement and contracting skills as well as leadership capacity constraints in the Council could limit the ability to obtain the desired efficiencies and service improvements.”***

- Last year we submitted a report to Cabinet (find enclosed) which agreed with the PwC report that our current Policies were not fit for purpose. To be blunt 'no change' for our policies was not an option. After submitting our report and asking for discussion as to how we can address these concerns we have made no progress. As has been repeated in the report above, Commissioning/Procurement is key to the Council's strategy. If public money is not to be wasted then this surely has to be addressed first, or the Council will simply repeat its mistakes. In the current economic climate and with pressure on local government to make even more savings it is important that this is tackled now. Indeed, the Trade Unions believe that the Council should have dealt with the problems highlighted in the PwC Report earlier.
- In the absence of any proposals to address this weakness we are submitting a **DRAFT Corporate Procurement Strategy** for discussion.

#### **4. Role of Trade Unions & need for change**

- In previous Future Shape Cabinet meetings there have been some comments made that the Trade Unions are opposed to change and locked into a 1970's mentality. These comments are not helpful or a true reflection on the industrial relations we have had in Barnet. Current and former Cabinet members will be aware of the constructive relationship which has in the past existed between the Council and the Trade Unions.
- **The need for change neither is nor has been contentious for the trade unions.**
- The concern for the trade unions is the **process** for change and our involvement in the change process.

#### **5. Making a positive contribution**

- In April this year the unions submitted a report in response to an officer report recommending privatising the Cems & Crems Service. This service would have a very minor impact on our members but this is a service which is an important revenue source for the Council and has a high profile. Again we were only given a few days to respond. We produced a report and after discussions with senior officers and the Leader we have embarked on partnership working in order to ensure the best outcome for Barnet residents. We believed this would be the same for Future Shape but cannot see where the above involvement fits in to the proposals in the report to Cabinet.
- The trade unions have repeatedly requested and raised the need to find a way to involve the staff, residents and trade unions in facing the challenges for public services.
- We asked for a joint visit to Newcastle City Council which has gone through two significant changes both in terms of service delivery and delivering efficiencies (£34 million in the last year). Again we did not get a

response to our request. The UNISON Branch Secretary paid a visit to Newcastle last month. It was very informative and the meetings with the Chief Executive and other senior officers provided a useful insight into what staff, trade unions and senior officers working together can achieve for services for their residents.

## **6. Unravelling Bureaucracy**

- The Trade Unions have called for an open discussion about how we can **review** the **DPR** system and other bureaucratic processes which inhibit innovative thinking & decision making.

## **7. Staff**

- In section 6.3 the report says ***“If there was future movement of staff from the Council to other organisations or joint ventures, TUPE would apply, and the Council has signed up in principle to the Code of Practice on Workforce Matters.”***
- The Trade Unions have requested a response to our request for TUPE Plus as the above statement is virtually meaningless and does not address staff and trade union concerns about the consequences of privatisation.
- **Significant** numbers of Barnet staff are also residents with a dual role as providers and users of Council services.

## **8. LIST OF APPENDICES**

8.1 DRAFT Joint Trade Union Corporate Procurement Strategy 2009

8.2 DRAFT Joint Trade Union Equality Impact Assessment Guidelines 2009

8.3 DRAFT Joint Trade Union Equality Impact Form 2009

8.4 Joint Trade Union Procurement Report December 2008

8.5 Any person wishing to read these reports should telephone 0208 359 2088 or email [contactus@barnetunison.org.uk](mailto:contactus@barnetunison.org.uk)