

Central  
Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ



**TO ALL MEMBERS OF THE  
GENERAL PURPOSES COMMITTEE**

26 May 2011

Dear Councillor

**GENERAL PURPOSES COMMITTEE – FRIDAY, 27 MAY 2011**

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the following additional appendices:-

**7. Determination of Amendments to Employee Terms and Conditions**

To receive Appendix A1, setting out a letter from the GMB union, and Appendix A2, setting out the Interim Assistant Director – People's response to it.

Should you have any queries regarding the above please contact me.

Yours sincerely

Leslie Manning  
Committee Services Officer

email: [leslie.manning@centralbedfordshire.gov.uk](mailto:leslie.manning@centralbedfordshire.gov.uk)  
telephone: 0300 300 5132

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**RO'L/cew/Central Beds**

E-mail: richard.o'leary@gmb.org.uk

24<sup>th</sup> May 2011

**Ms. Deb Clarke**  
**Assistant Director People**  
**Central Bedfordshire Council**  
**Priory House**  
**Monks Walk**  
**Chicksands**  
**Shefford Beds SG17 5TQ**

Dear Deb,

**RE: Dismissals and Re-Engagement of Members within Central Bedfordshire**

We write further to the above matter. We are disappointed to receive from the Authority formal notification confirming a closure of the consultation process. The GMB are of the view that much could be gained from further consultation on the issues and alternatives raised.

Given your announcement we have sought advice from our solicitors in respect of the actions taken by the council thus far and the proposed dismissal and re-engagement of our members on a costs savings basis.

We are of the view that any action to dismiss and re-engage our members will be unlawful and unfair. We have not received any assurance that the alternative suggestions raised by the GMB have been properly and adequately considered as part of the consultation process. This leads us to believe that the process has been a fait accompli.

The GMB remains convinced that alternatives to the cuts could be possible and has asked the Authority to look properly, by way of costings and impact assessments, at the following options:

- Opening a Voluntary Redundancy Exercise which would avoid the need for compulsory redundancies and the proposed 2% pay cut.
- Use the reserves to off set the need for a reduction in the terms and conditions of our members while looking for alternative options.
- Re-visit unpaid council tax which we understand stands at 6.1 Million by way of an initiative which would again stave off the need to make the changes.

APPENDIX A1

- Address Councillors Allowances.
- The GMB do not believe that the above options have been properly addressed or consulted over. Further, the Union has not received adequate information and disclosure of financial information relevant to the consultation process. An example being information relating to the New Homes Bonus.

We would ask the Authority to delay issuing any dismissal and re-engagement notices until the above matters can be properly addressed.

In the alternative, we will be advising our members of legal redress with regard to the following issues:

Our belief that the consultation process has not been adequate and meaningful.

That the dismissals are generally unfair and unlawful.

Alternatives to dismissal have not been properly addressed in order to achieve the changes which the Authority are seeking to achieve.

The changes were not necessary in order to achieve the savings which the Authority says it is seeking to achieve.

The changes are unlawful as they are connected to a transfer of employment that took place in 2009 from Bedfordshire County Council. All staff who transferred from BCC to Central Bedford Council have their terms and conditions protected under the Transfer of Undertakings (Protection of Employment) Regulations 2006. As such any dismissals will be automatically unfair.

Accordingly, we trust that you will be willing to address the above matters with the GMB prior to taking any further steps in this regrettable process.

Should dismissal notices be issued without further consultation then we shall be advising our members in respect of their right to claim unfair dismissal and also claims in respect of a failure to adequately consult as required under Section 188 of the Labour Relations (Consolidation) Act 1992.

We look forward to hearing from you.

Yours faithfully,

*Richard O'Leary*

**Richard O'Leary**  
**Membership Development Officer**

c.c. Martin Foster, Branch Secretary GMB  
Paul Farley, Unison Regional Officer



**Central  
Bedfordshire**

Richard O'Leary, GMB By Post and email	<b>Your ref:</b>	
	<b>Our ref:</b>	
	<b>Date:</b>	26 May 2011

Dear Richard,

### **Proposed Changes to Terms and Conditions** **Copy for General Purposes Committee**

Thank you for your letter of 24 May 2011 about the ongoing consultation process. I will make sure that members of the General Purposes Committee receive a copy of your letter in advance of Friday's meeting. I will also make sure that they have a copy of this letter in reply.

We are also disappointed that we have not been able to reach an agreement with you and our other recognised unions on how to make the necessary savings from staff costs. However, we believe that both sides have made considerable efforts to explore alternatives. The outcome of the consultation has not been and is not a fait accompli. We have genuinely considered every suggestion from unions and staff during the process. We have explained our position on each suggestion via the staff communications and in meetings with yourselves. The fact that we have changed our position on some elements of the proposals shows that we have approached this with an open mind and a willingness to listen and act on suggestions coming through the process. The letter from the Joint Secretaries supports this.

This is still our approach. But we have to maintain momentum towards our target implementation date in order to make the necessary savings. If you have new suggestions to bring to the table, as we said at the Joint Secretaries Meeting, we are happy to meet with you to explore them. We will be suggesting, however, to the General Purposes Committee, that we would do so alongside any individual consultation, to avoid jeopardising the current timetable. This is because we are conscious that the timetable to ensure a fair process is challenging and we would be concerned to spend further time discussing ideas which we have already discussed before.

You mention four options in your letter: voluntary redundancies; use of reserves; unpaid Council tax; and Councillors' Allowances. You raised all of

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these during the consultation process. On Councillors' Allowances, we have already explained that members will be taking the same 2% cut on their allowances. We did consider your other suggestions and fed back to you on each one during the consultation process. We then shared further financial and costing information with you at the Joint Secretaries meeting in an effort to reach an agreement. Again, the Joint Secretaries' letter reflects this.

We understand that you are concerned to protect your members' position and you will, of course, take legal advice as to how best to do that. We are also concerned to act lawfully and to treat all staff fairly in very challenging circumstances for the Council. The process that would be followed if the General Purposes Committee decides to go ahead with the proposals has been designed with that in mind. We very much hope that the Council and staff will not become involved in any legal dispute, but we are confident that if you advise your members to do so, we will be able to demonstrate a fair and lawful process.

If you do have new ideas which we have not discussed before, please let me know. Please could you also confirm whether you have had a chance to give any thought to my earlier letter about planning ahead to ensure union representation for the individual consultation phase, if approved by the General Purposes Committee.

I look forward to hearing from you.

Yours sincerely



Deb Clarke  
Interim Assistant Director – People

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**Please reply to: (optional)**

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