



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

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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