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30 September 2013

Dear Claire

**RE; Your letter dated 25 September 2013**

Thank you for your latest Measures letter.

**Terms and Conditions & Policies & Procedures (TCPP)**

In terms of our consultation over Policies & Procedures UNISON would like to make the following comments:

It was our view that all of Barnet Council Policies and Procedures should transfer into the joint venture as it was our understanding that as the JV is a '**partnership**' and not a takeover; it would ease staff fears if only cosmetic changes were made to TCPP. Whilst we understand your position that the JV is a private company we still maintain it is public resources being used to deliver public services, albeit now being delivered by the private sector.

**Capita Managers Guide**

This has been our second TUPE consultation with Capita. In both consultations we have come up against the issue of the Capita Managers Guide. We understand this is a document which is available to Capita Managers and supports those managers to implement Capita Policies & Procedures; unfortunately this documentation has not been provided to UNISON to review and compare with the Council's Policies & Procedures. This has not helped the TUPE consultation. Whilst we understand this is a national Capita policy decision not to share this documentation, this does not sit well with the openness and transparency agenda in local government nationally.

Barnet UNISON has asked for this matter to be raised with Capita at a UNISON national level.

**TOIL/Flexi/Flexible working**

UNISON is concerned that there are reports of confusion from staff as to the Capita line on the above. It has been our understanding that none of the above would present a problem to Capita after transfer. It is therefore worrying that this is still a source of anxiety and concern for staff. It is important that Capita set out clearly what guidance they are providing to their line managers after transfer. It would be troubling if post transfer managers issued instructions which would have a detrimental impact on staff. In our meeting today **progress** has been made in that guidance will be sent out to all managers on this matter with a copy to the relevant trade unions.

### **Next steps**

UNISON has been able to reach agreement over a number of proposals as set in the Terms & Conditions matrix. In the last few days annotated documents have been provided and we will endeavour to respond to these in due course. We want to have the completed Terms & Conditions matrix ready before we go back and consult with our members. It was agreed in the tripartite meeting today that consultation will now have to take place after the transfer. UNISON will be seeking views of our members at a UNISON meeting on Tuesday 8 October after which we agreed to feedback to Capita.

### **Payroll**

We note your commitment to ensure that no employee is placed at financial detriment through this measure and request that details of your practices to ensure this are made widely available to all staff.

### **Annual Leave Year**

UNISON has received a copy of these proposals and acknowledges that worked examples have been provided to the workforce.

### **Trade Union Employee Engagement Framework**

As the transfer is only a day away it is important to note that trade union engagement in relation to a number of Measures set out in your letter is prioritised. UNISON is requesting that meetings are convened in October in order to complete any outstanding issues that we have yet to reach agreement upon.

### **Proposed Structure**

This item has been a regular reoccurring theme in our tripartite discussions as local reps have provided feedback of concerns from members that this restructure could lead to redundancies and/or offers of posts with inferior terms & conditions.

In all of our discussions so far Capita have assured the trade unions there will be no redundancies or imposition on staff of alternative posts with inferior terms & conditions. In our discussions Capita have indicated they will be developing a growth structure which will offer opportunities for existing staff to apply if they so wish.

### **Joint employment contracts**

As you know TUPE Regulation 13(6) imposes that agreement should be sought with the workers representatives however the decision to implement an accelerated TUPE has meant that agreement was simply not possible prior to transfer.

This has specific resonance in relation to the joint employment contract. Whilst some documentation was provided on 5 August, the fact that it was incomplete and a final version not provided until staff received the contracts week commencing 23 September has meant staff and UNISON did not have sufficient time to review and consult with members.

On Wednesday 25 September UNISON submitted a number of questions around the joint employment and on Friday 27 September at 4pm the Council finally responded to these questions. UNISON will be responding in due course.

In terms of feedback from our members it has been worrying to hear that staff state they feel they have been put in a 'fait accompli' situation and so had no choice but to sign even though many have grave doubts about the ability of joint employment contracts to support them when carrying out non delegable statutory powers. Many of our members are convinced the contract will be challenged at some point and are worried about implications for their roles in the event a challenge is successful. UNISON has outlined in detail our concerns in a letter to General Functions Committee on 9 September 2013 (see attached).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'JDB', with a checkmark-like flourish at the end.

John Burgess  
Branch Secretary  
Barnet UNISON

Enc UNISON Report to General Functions Committee 9 September 2013.