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EXECUTIVE

Meeting to be held on Wednesday 26 November 2014

For the item below, please see an updated Appendix 2 attached.

- 11 **FUTURE DELIVERY OF STATUTORY AND DISCRETIONARY SERVICES TO SCHOOLS** (Pages 3 - 6)

Copies of the documents referred to above can be obtained from
<http://cde.bromley.gov.uk/>

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Agenda Item 11 - Appendix 2 – updated as at 21.11.14

Response to Staff Questions

Finance Schools Team

Whilst we fully understand the reasons behind the proposed transfer to Liberata there are a few points that we would like to raise as part of the formal consultation process.

1. Timing – My preference would be for this to be delayed until April 2015 to allow time to work on the budget preparation cycle, however if this is not possible then I think that the earliest date realistically would be January.

It is in Liberata & the Council's interest to ensure any transfer is managed in the best possible way with the least impact on the service we provide.

2. Core Work - Whilst there is some logic to outsourcing the sold services element, we do have reservations about the core strategic work particularly my work around DSG budget - £240m – even when all schools are academies this will not change. Are there any examples of where core work such as this has been successfully outsourced already.

As the Council moves towards being a Commissioning organisation, it is inevitable that more of the Council's statutory functions will be undertaken by Third Parties. As such the important part of any transfer will be to ensure that the contract/SLA is robust and clearly sets out our requirements. All contracts allow the Council to terminate all or parts of the contract, if we are unhappy with performance, and undertake them in-house should it be necessary. The most important thing is that the Client Unit for this service retains its good working relationship with Liberata, so that issues or concerns are dealt with promptly.

3. Location – I appreciate that Liberata would ideally want to have all staff located in the same place i.e. North block but I understand that space over there is at a premium. There would be a number of negative issues if staff were to move, such as loss of storage space, loss of good practice, less communication with ECHS finance staff.

I think the intention is that sold services will all move across to North Block and be based on the 1st or 3rd Floors – but this should not cause problems given the close proximity to Stockwell.

4. Staff terms and conditions – Will staff retain parking spaces that are currently available to them.

Due to the nature of the role you undertake, which requires you to go out to schools on a regular basis, the current arrangement will remain in place. Should the Council decide in the future to no longer provide this service., then this arrangement would cease.

5. Could you please tell me what the standard terms and conditions are at Liberata.

Your terms and conditions as set out in your contract will go with you from LBB. This is regulated under the TUPE protection of employment regulations.

6. Do they honour TUPE for longer than the statutory period, before making changes? What is their track record on this?

There is no statutory period for TUPE. Any individual that is part of a TUPE process, will retain their existing T&C's and rights around redundancy until such times as they sign a Liberata contract. However, as with any organisation, Liberata can undertake restructures on the grounds of efficiencies, which could result in changes to your existing job.

In the last ten years, only two individual that were part of a TUPE transfer to Liberata have been made redundant.

7. What pension scheme is available to people with a Liberata contract following a TUPE move?

As a TUPE transfer you will be part of the LBB pension scheme (they have admitted body status)

HR Schools Team

Throughout the consultation period staff have been in discussion with management and Liberata. They have had the opportunity to ask detailed questions about Liberata as an employer, and also discussed plans for future service delivery including opportunities for service improvement.

The general view across the teams is that staff are positive about the proposed transfer to Liberata and understand the rationale and benefits. Staff also acknowledge that continuing to generate the income needed to operate on a full cost recovery basis with the Council will be increasingly difficult and is likely not to be sustainable.

Staff have expressed some concern about the limitations surrounding Liberata's admitted body status in the Bromley pension scheme. In particular whether they will be able to continue in membership of the LGPS if the Council ceases to have a contractual relationship with Liberata to deliver the Schools HR service once all schools have converted to Academy status. This is a matter which is governed by the Scheme Regulations, and will be further discussed as part of the ongoing consultation process should the Executive decide to transfer the service and staff to Liberata.

Trade Union representatives, Departmental Representatives and the Staff Side Secretary were also consulted about a possible transfer and have had the opportunity to meet with all staff affected by the proposals either individually or as a group. However no written comments have been received.

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