

## LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.30 pm on 31 March 2015

### Present:

#### Employer's Side

Councillor Nicholas Bennett J.P.  
Councillor Russell Mellor  
Councillor Keith Onslow  
Councillor Tony Owen  
Councillor Diane Smith  
Councillor Michael Turner  
Councillor Angela Wilkins

#### Staff Side and Departmental Representatives

Adam Jenkins, Unite  
Gill Slater, Regeneration & Transformation  
Service  
Kathy Smith, Unite

### **31 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies were received from Councillor Eric Bosshard, Glen Kelly and Max Winters. Apologies were also received from Councillor Stephen Carr, and Councillor Colin Smith attended as his replacement.

### **32 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **33 MINUTES FROM THE PREVIOUS MEETING OF LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 10th FEBRUARY 2015.**

The minutes of the previous meeting of the LJCC held on the 10<sup>th</sup> February 2015 were agreed.

### **34 COMMISSIONING AND CONTRACTUAL PROBLEMS**

The matter of alleged contractual problems was opened on the Staff Side by Gill Slater who focussed on what the Staff Side perceived as problems with the Capita IT contract. The Staff Side commenced by referencing the report that went to the Executive and Resources Committee on the 12<sup>th</sup> March 2015. This was report number CSD 15044--Capita Secure Information Systems Contract Monitoring Report. The Staff Side argued that it was not democratic for an organisation to be self-reporting, and that Capita had failed to advise that their KPI target with respect to calls answered during 2014, had not been met.

The Staff Side contended that Capita were not achieving their service request resolution targets, and that the report outlined Capita's failings. It was further argued that Capita did not accept responsibility or liability for their actions. The Staff Side noted that the IT contract had originally been allocated to SunGard, but the contract had gone to Capita after a subsequent buy out.

Lesley Moore (Assistant Director-Corporate Projects and Transformation) attended the meeting to speak about commissioning and contracts, and to answer any questions that may arise. She advised Members that officers in the Commissioning Group were currently reviewing the governance arrangements, particularly if more complex services are outsourced.

To get a balanced view, the Assistant Director informed the Committee that she personally had oversight of the Liberata contract, and had recently called in the Head of Liberata for a meeting to discuss a problem with KPI's. Weekly meetings were held subsequently until the targets were hit. The Assistant Director stated that LBB were keen to avoid reputational risk, and that regular monitoring took place. She then explained about the approach to contract management and the associated resources allocated which will vary depending on value of the contract, strategic importance and the level of risk. Some contracts would therefore require monthly meetings with the provider, some quarterly and some less frequently.

A Member commented that there were huge issues with Liberata and housing benefit processing errors, and that because of this there were instances where individuals had lost their tenancy. The Member continued that she had attended a meeting with Peter Turner (Finance Director) and with Liberata in an attempt to understand the mechanisms and processes involved in dealing with housing benefit claims. The Member expressed concerns to the Committee that the scale of housing benefit errors was not being communicated properly to Members and PDS Committees. The Member expressed the view that Councillors needed to understand contracts. Concern was also expressed at the possibility of reducing PDS Committees resulting in less accountability and scrutiny.

The Assistant Director-Corporate Projects and Transformation, stated that where there existed large contracts and multiple contracts, it was unrealistic to expect that there would never be any problems; however it was the case that when problems were identified, LBB had the authority to hold contractors to account.

There was some confusion in the meeting initially as to the differences between "thin" and "fat" clients, and so clarification was provided by the Assistant Director. It was explained that a "thin" client referred to the retention of core expertise within the Authority, and that it would always be the case that this would be required to deal with complaints, and to oversee the monitoring and the fulfilment of contracts.

The Chairman suggested that a seminar or training be set up for Members to assist in the understanding of the contracting and commissioning process. This was agreed by the Committee.

The Committee were in agreement that there should be more involvement by Members in contract monitoring.

**RESOLVED:**

**(1) that a seminar or some form of alternate training be set up to aid Members in their understanding of the commissioning process, and the monitoring of contracts**

**(2) that there should be more Member involvement and scrutiny of contracts.**

**35 WORKING CONDITIONS FOR BROMLEY STAFF TRANSFERRED TO PRIVATE COMPANIES**

The Staff Side raised concerns about pay terms and conditions experienced by staff after being transferred to private companies as part of the commissioning process.

The Staff Side expressed the view that LBB should place caveats in the contracts of those being transferred out, so that their pay and conditions would be safeguarded. They felt that LBB had a moral obligation to protect staff that had often provided loyal service to LBB for many years, and that LBB should be careful where staff were placed.

The Staff Side asked if LBB took account of the background and history of companies that staff were being contracted out to, or whether LBB were not concerned about this, and were just concerned with the financial aspects of the contracts. The Staff Side gave an example of a company that staff had been contracted out to, and where subsequently there were anomalies in the way that leave and absences were recorded, and where sometimes there was a loss of sickness pay.

The Staff Side proceeded to raise what it perceived as issues with the Parks and Green Spaces contract. The Staff Side stated that the KPI's in this contract had failed to achieve the minimum requirements, and as such should have been reported back to the Committee. It was also suggested that the contractors lacked experience, did not have enough drivers, and lacked resources in general.

A Member asked the Staff Side what clauses they felt should be incorporated into contracts to provide additional safeguards. The Vice Chairman responded that in the opinion of the Staff Side, many of the new contracts were in essence setting former LBB staff up for redundancy, and asked why LBB would adopt a policy that would result in staff losing their jobs.

Mr Charles Obazuaye (Director of Human Resources) stated that contractors were being held to account, and that LBB could not dictate to contractors what

they should incorporate into their contracts. It was also the case that LBB were limited in what they could reasonably incorporate into the contracts.

The Assistant Director pointed out that contractors would require a certain skill set to ensure the efficient fulfilment of contracts, and would interview to this end in an unbiased fashion. It was not the case that contractors would be seeking to make former LBB staff redundant.

A Member made a similar observation, commenting that contractors would need the best staff or they would lose the contract.

The Assistant Director observed that only one staff member had been made redundant as a result of the Liberata contract. The Staff Side responded that this may have been the case up until now, but that plans were in progress to move the Liberata call centre to Barrow.

### **36 STAFF CONSULTATION CONCERNING TRADE UNION FACILITY TIME**

The Staff Side expressed the view that despite assurances that the issues concerning trade union facility time would be investigated and that proper transparency and consultation would take place, the majority of employees within the council were still unaware of the proposal.

The Chairman opened the discussion by stating that this matter had been debated at the previous GP&L meeting, and that it had been confirmed that the Staff Side would have full council support.

The Staff Side argued that proper consultations had not taken place, and so the process had not been transparent and that the majority of staff had not been consulted.

The Director of Human Resources stated that it was the duty of the Trade Unions to ensure that their members were properly informed; the Staff Side maintained that it was for LBB to ensure proper consultation. The Director of Human Resources responded that the comparison was false as there had been no direct change in staff conditions.

The Director informed the Committee that he had previously met with the Vice Chairman, and with departmental representatives to brief them and to outline where all the relevant information could be located. He concluded by stating that the process had been transparent, and that there had been no wrong doing or secrecy.

The Chairman noted the concerns of the Staff Side.

**37 UNITE'S FAIR PROCUREMENT DOCUMENT**

The Chairman opened by stating that not all Members were aware of Unite's Fair Procurement Document, but that it did appear to be in conflict with Council policy.

The Staff Side stated that the document was to be regarded as a basis for negotiation and discussion, and were hoping that the Council would work with them to this end.

A Member stated that aspects of the procurement strategy could be looked at, and that the document should not be written off without being considered in more detail.

A Member asked the Vice Chairman how the current procurement process compared with the Unite Document; the Vice Chairman responded that she could not answer this as the Staff Side had not been consulted. A Member made the comment that it may be a good idea to give in house services more of a chance before outsourcing took place.

The Assistant Director (Corporate Projects and Transformation) informed the Committee that LBB's procurement strategy was on the Council website, and that the decision about whether to source services from within the Council or outside falls within the commissioning process, determined by the requirement to deliver Best Value, particularly in light of the financial pressures facing the Council over the next few years. She went on to explain that there was a difference between commissioning and outsourcing. Commissioning was concerned with identifying the service need and then the best delivery model for meeting this need, with regard to both quality and cost, which was not necessarily the same thing as out sourcing.

A Member expressed the view that social enterprise should be encouraged. The Staff Side responded that museum staff had asked to do this but had been refused.

**38 DATE OF NEXT MEETING**

The date of the next meeting was confirmed as the 16<sup>th</sup> June 2015.

The Meeting ended at 7.50 pm

Chairman