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To: Members of the
LOCAL JOINT CONSULTATIVE COMMITTEE

Employer's Side

Councillor Russell Mellor (Chairman)
Councillor Simon Fawthrop
Councillor Kate Lymer
Councillor Tom Philpott
Councillor Colin Smith
Councillor Diane Smith
Councillor Tim Stevens J.P.
Councillor Michael Turner
Councillor Angela Wilkins

Staff Side and Departmental Representatives

Kathy Smith (Vice-Chairman)
Kelle Akala, Environment & Community Services
Helen Akpogheneta, Chief Executives (HR)
Alice Atabong, Education, Care and Health
Services (Housing)
Duncan Bridgewater, Chief Executives
Jill Crawley, Departmental Representative
Richard Earis, Environmental Health
Jackie Goad, Chief Executives
Stuart Henderson, Chief Executive (Registrars)
Mandy Henry, Education, Care and Health
Services
Sandra Jones, Education, Care and Health
Services
Jan McWhinnie, Corporate Services
Mary Odoi, Unite
Gill Slater, Unite Representative
Kirsty Wilkinson, Education, Care and Health
Services (SEN & Disability Service)

A meeting of the Local Joint Consultative Committee will be held at Committee Room 1 - Bromley Civic Centre on **THURSDAY 9 JUNE 2016 AT 6.30 PM**

Rooms have been reserved for Members and the Staff Side to meet separately at 6pm before the meeting commences at 6.30pm. The Assistant Chief Executive (Human Resources) will be available from 6.00pm to brief Members.

MARK BOWEN
Director of Corporate Services

A G E N D A

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

2 DECLARATIONS OF INTEREST

To record any declarations of interest from Members present.

3 MINUTES OF THE PREVIOUS MEETING OF THE LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 25TH FEBRUARY 2016 (Pages 5 - 10)

4 NEW IT CONTRACT WITH BT

The Staff Side would like to ask the following question:

Unite have noted that all of the reports concerning the IT contract that have gone to various committees, have been part 2 reports.

The written response provided and the response to the 23rd March Executive do not suggest that these wider costs, borne partly by staff, have been reported and therefore factored into decisions.

Were the wider costs to the Council reflected in these reports?

Background Information-Previous Question and Answer

There was a question from the Staff Side at the previous LJCC meeting pertaining to the IT contract, which was not answered on the evening of the meeting, and it was agreed that a written answer be disseminated to the Committee in due course.

The question and subsequent answer is detailed below. Please note that the original question was split into 2 sections, so there are effectively 2 questions and 2 answers.

The original question is written in the red text and the answer is in the blue text:

The Council has just announced the awarding of the IT contract to BT with estimated savings of 10%. Is this further savings on top of the SunGard contract subsumed by Capita that was intended to give 25% savings?

The SunGard /Capita contract replaced two contracts, one run by Liberata for IT services and one by Demovo for telephony. The contract was also awarded jointly with Lewisham. Amalgamating two services into one contract and letting jointly with Lewisham gave savings of approximately 25% overall. The discount for the joint arrangement with Lewisham amounted to 17% of the total savings. The withdrawal of Lewisham at the contractual break point would have led to the joint arrangements savings element being lost from 1st April 2016.

The Part 2 Executive reports which have been considered by the E&R PDS Committee, and the Contracts Working Group, detailed how the BT savings would be achieved. This was not a straightforward calculation as the 2 contracts were not like for like; the BT framework had elements included that were outside the scope of the Capita contract. These arose from projected changes post 2016 including, the efficiencies that come from the framework model of procurement, the inclusion in the main contract price of certain charges e.g.–the People`s Network, where Capita made a separate charge, and server hardware maintenance being included in the overall contract price, and the flexibility we have around the consumption based model. Overall the BT contract is projected to give an estimated initial 11% saving compared to the revised Capita contract costs without Lewisham.

Now we are at the change of contracts is there a “final account” / report to the Contracts Committee setting out any true savings achieved and does this reflect in any way the wider costs to the service through IT failures to the IT service?

The contractor has delivered on budget. Key Performance Indicator information has been reported to E&R PDS and latterly at the Contract Working Group. Sums payable for breaches of the KPI’s have been deducted and total £134,076. Further deductions are likely for the last 3 month period of the contract. It must be remembered that IT issues can arise from a variety of sources including but not limited to user error, hardware failures, data corruption, issues with third party suppliers and software and external events, as well as issues arising from contractor performance. Whilst there is increasing dependency on IT, not all tasks undertaken are dependent on IT.

The Council meeting on 22 February included a similar question but directed at certain IT systems, to take one extract then on email system availability, the position in the last 12 months was:

Service Provided by	Capita
Dates Unavailable	Based on server availability: 04/02/2016 – 05/02/2016 – approximately half of the staff 04/02/2016 – 08/02/2016 – remaining staff Based on individual calls logged: Various dates & times total 13.9 hours with 2 incidents lasting over 2 hours.
Impact to staff	Staff would not have been unable to access e-mails until the server was available. The impact to staff is impossible to quantify as people do not use e-mails all day therefore there is no way to gain meaningful metrics.
Costs	The only costs we can recover are as per the KPI’s. The KPI for system availability is 99%. Based on the previous 3 quarters then availability has been 99.4%

The contract requires 99% minimum system availability and on key systems. The Contractor has met the 99% minimum availability KPI throughout the contract. Reports are regularly made to the relevant member bodies on performance of key contractors and this includes IT.

Additional Background Information:

There was an original report concerning this matter that went to the Executive on 17th September 2015, this was a part 2 report.

An updated report on the award of the new IT contract went to the Executive on 14th October 2015, with pre-decision scrutiny by E&R PDS on 8th October 2015. This was also a part 2 report.

The issue was considered by Contracts Working Group, and all their meetings are part 2.

5 LESSONS LEARNT FROM PREVIOUS CONTRACTS INFORMING THE TOTAL FACILITIES MANAGEMENT COMMISSIONING PROJECT

The Staff Side would like to ask the following question:

Lessons are learnt from all contracts. At the 23rd March Executive, members asked for a report back on the Total Facilities Management Commissioning project once due diligence was underway before a decision could be taken, particularly if it was felt that staff needed reassurance. The Commissioning Team agreed that discussions between the contractor and staff should be taking place. Are Members aware how the lessons learnt from the TLG contract are being used to inform the TFM proposals?

6 CORPORATE RISK MANAGEMENT POLICY STATEMENT AND STRATEGY

The Staff Side would like to ask the following question:

Does the Council have a publically accessible Corporate Risk Management Policy Statement and Strategy? If so does it consider and address the risks to the organisation, in terms of Resilience, as the Council moves towards an increasingly commissioned authority?

7 DATE OF NEXT MEETING

The Committee is requested to note that the next meeting will be held Wednesday 19th October 2016 at 6.30pm.

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LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.30 pm on 25 February 2016

Present:

Employer's Side

Councillor Russell Mellor (Chairman)
Councillor Nicholas Bennett J.P.
Councillor Simon Fawthrop
Councillor Tom Philpott
Councillor Colin Smith
Councillor Diane Smith
Councillor Tim Stevens J.P.
Councillor Michael Turner
Councillor Angela Wilkins

Staff Side and Departmental Representatives

Gill Slater, Regeneration & Transformation Service
Kathy Smith, Unite
Jill Crawley, Environmental and Community Services

21 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies from the Staff Side were received from Mary Odoi and Glenn Kelly. From the Employer's Side, apologies were received from Cllr Stephen Carr, and Cllr Colin Smith acted as alternate.

22 DECLARATIONS OF INTEREST

Cllr Simon Fawthrop declared an interest in his capacity as an employee of British Telecom.

23 MINUTES FROM THE PREVIOUS MEETING OF LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 8th DECEMBER 2015

The minutes from the previous meeting held on 8th December 2015 were agreed.

24 TENDERS FOR THE COMMISSIONING OF THE LIBRARY SERVICE.

The Staff Side enquired why LBB had not disclosed that Community Links had bid for the management of the community libraries. They also asked if LBB were now prepared to disclose the identities of the other bidders, and to reveal which organisations had come forward to run the main library service.

The Staff Side were of the view that this information should have been disclosed under the Local Government Transparency Code, Section 20 which dealt with commercially sensitive contracts

Mr Colin Brand (Assistant Director for Culture, Libraries and Leisure) stated that a contract would consist of an offer and the acceptance of that offer. A tender remained an offer until a contract was agreed. It was also the case that tender details were confidential. No contract existed, and so the transparency code did not apply. He assured the Committee that commercial confidentiality had been correctly applied, and that the company details had been released at the correct time through a Portfolio Holder decision.

It was noted that after it was revealed that Community Links had been granted “preferred bidder status” to manage the community libraries, action had been initiated outside of Community House by the Unions.

A debate took place concerning the nature of this action. Members expressed concern that the action undertaken by the unions may in fact be secondary picketing. The Staff Side contended that the unions were not engaged in secondary picketing, but had been peacefully protesting. Their aim was to persuade Community Links to withdraw from the process. Cllr Fawthrop was of the view that what had taken place was secondary picketing to exert pressure on a potential supplier. He was of the view that action should be taken, and that LBB should consider suing for consequential loss.

The Vice Chairman argued that the action undertaken could never be interpreted as a picket, as a picket prevented people going into their places of work. She insisted that there was never any attempt to prevent anyone entering Community House, and that the Unions were simply distributing leaflets.

Cllr Colin Smith asked why the action outside of Community Links had been referred to as a “picketing” on a Unite website, and why were people in wheelchairs being obstructed. The Vice Chairman responded that wheelchair users were not being obstructed. Mr Brand referenced a Twitter webpage where the term “picketing” was used, and stated that more detail could be provided if required. The Director of Human Resources also stated that literature referenced “picketing”. The Vice Chairman reiterated her view that no secondary picketing had been undertaken.

Cllr Angela Wilkins commented that the facts needed to be established, and that the distribution of leaflets was not picketing. It was also a fact that an individual could use terminology incorrectly due to a lack of training or experience and so there was a need for calm.

A Member queried if the action by the Unions constituted a breach of the law.

The Chairman asked the Staff Side how they had gained access to the confidential information concerning Community Links. The Vice Chairman stated that someone was sitting in the public gallery reading a part 2 report, and that a member of the public noted the contents of part of the report.

Cllr Colin Smith asked if the Vice Chairman was permitted to pass on information in her capacity as Staff Union Representative. The Director of

Human Resources stated that it was not known at what stage in the process the Vice Chairman may have revealed the information. Cllr Smith expressed the view that the issue should be investigated.

Gill Slater felt that the Council should pay more attention to the requirements of the Transparency Code for the future, and that LBB may be prudent to take legal advice concerning this. Cllr Fawthrop acknowledged that the Transparency Code was important, and as much information as possible should be detailed in Part 1 reports. The Chairman assured the LBB had an open policy. Mr Brand referred to the original report that had been drafted concerning community libraries, and stated that 90% of the information was detailed in the part 1 report, and that the part 2 report was brief.

The Director of Human Resources made the following points:

- The term “picketing” should not be used by the Unions going forward
- It should be made clear to Union members that they did not benefit from legal protection in this case
- The Union may be at risk of financial penalty
- The Union may be guilty of unlawful secondary action
- The Union should reflect on their position and ensure that they held a valid mandate

25 BIDDING FOR COMMUNITY LIBRARIES AND THE FEASIBILITY REPORT PRODUCED BY AMEY FOR TFM (TOTAL FACILITIES MANAGEMENT) SERVICES

The Staff Side asked if the Council would share details of the feasibility report produced by AMEY for Total Facilities Management (TFM) services that the Council were preparing to outsource. The Staff Side expressed the view that the Council was obliged to share the information under the Local Government Transparency Code 2015.

The Chairman commented that the AMEY report was confidential. Mr Brand stated that a consultation process had been undertaken, and that the relevant information had been provided. He explained that Regulation 21 of the Contract Procedure Rules stated that LBB was not allowed to discuss the tender process as this was confidential. The information could not be released as it was commercially sensitive.

Gill Slater asked what information could be released that was not confidential so that staff input could be considered. She suggested that staff may be able to comment and input to the feasibility study.

The Committee noted that the feasibility study would be scrutinised by the E&R PDS Committee on March 16th 2016, and then by Executive on the 23rd

March 2016. If the proposals outlined were agreed, then a three month due diligence period would follow. Consultation would then take place with staff and the unions. The marketing for the tender was being undertaken on a like for like basis, and was neither increasing nor reducing. Mr Brand assured that the information that Ms Slater was seeking would be revealed via the due diligence process.

Councillor Wilkins asked if the feasibility report was a public or private report. Mr Brand responded that as much as possible (if not all) of the report would be public. Ms Slater expressed concern that staff were being excluded from the process, and were not being allowed access to information and specifications. She expressed the view that quality was key, and the assessment of quality was difficult and was concerned that staff were not able to highlight potential risks to the Council.

The Chairman reminded the Committee that the intention was to transfer the service on a like for like basis, and that any new contract would be scrutinised by the Contracts Working Group. He was of the view that the Staff Side were expressing hypothetical arguments which were not helpful, and that they should let the professionals progress.

Cllr Fawthrop stated that the Unions may like to consider putting forward a bid for the service. Mr Brand stated that there was an ongoing dispute concerning the release of specifications, but that the Trade Unions had the information. He informed the Committee that experts had drafted the specifications, and that the documents were in circulation for staff to see.

Ms Slater contended that:

- There was still work outstanding on specifications
- Specifications had a “ripple” effect
- The process had not factored in time for the information to be studied by individual Heads of Service
- The information should be located in one easy to access link

26 THE IT CONTRACT

The Staff Side had requested information concerning estimated savings for the new IT contract with BT. They had also asked if there was now a final account or report that was going to the Contracts Working Group which would set out any true savings achieved.

There was no officer available at the meeting to answer the question. The Committee agreed that the question be accepted, and that an answer be drafted by the appropriate officer, and then emailed to the Committee. In this way, the Staff Side would benefit from an answer to the question, without having to wait for the next meeting. It was further agreed that if the Staff Side

were not satisfied with the answer, the matter would then be deferred to the next LJCC meeting.

RESOLVED:

(1) that the question be accepted

(2) that an answer be drafted by the proper officer and disseminated to the Committee

(3) that if the Staff Side were not satisfied with the written answer, the matter be deferred to the next meeting of the Committee

27 DATE OF NEXT MEETING

The Committee noted that the next meeting of the LJCC had been set for 8th June 2016. This was subject to formal ratification of the new LBB Calendar of Meetings by the GP&L Committee.

The Meeting ended at 7.15 pm

Chairman

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