

Library Staff Consultation Meetings: Commissioning of the Library Service

Summary of Questions and Panel Comments

- **Tue 16th May 2017-Central Library**
- **Tue 30th May 2017-Central Library**
- **Tue 6th June 2017-Beckenham Library**
- **Wed 7th June 2017-Orpington Library**

Panel: Colin Brand –Director of Regeneration (all meetings)
Tim Woolgar- Library Operations and Commissioning Manager
(all meetings)
Hannah Jackson - Head of Programme Management (16th May)
Tammy Eglinton- Head of HR Consultancy (6th & 7th June)
Keely Smith - HR Consultant (16th & 30th May)

Introduction from Colin Brand at all meetings:

The purpose of the consultation meetings is to inform staff about the GLL proposals. We are now in a 45 day consultation process ending on 12th June 2017. The results of the consultation will be included in the Committee report which goes to Council Members .The following meetings have been diarised

- Renewal and Recreation Policy Development and Scrutiny Committee (R & R PDS) -5th July 2017
- Executive and Resources Policy Development and Scrutiny Committee (E &R PDS)-13th July 2017
- Executive (main decision making body)-19th July 2017 for a final decision (subject to call in)

Following the 19th July Executive, if the Members are in favour of the proposal, a new separate consultation relating to TUPE will apply. TUPE questions cannot be answered at this early consultation stage. After any award additional consultation with both staff and trade unions will take place relating to TUPE

The proposal to commission the library service is not new, it was agreed in 2015 to look at outsourcing in line with the Council's Commissioning agenda. Bromley Council have gone to the market with the specification for a like for like library service. Key factors like opening hours, staffing, and value of stock form the parameters of the specification.

Officers propose recommending the award of the contract to deliver the Library Service to Greenwich Leisure Ltd (GLL). They are a charitable trust and are well considered in the Library world delivering library services on behalf of a number of authorities.

All Library Staff have been given a consultation document which outlines the timescales of the consultation process. The project team welcome written comments from staff. Colin Brand advised staff to contact the panel members by e mail or phone. E mail is the preferred option as a full written response can be provided. Staff meetings in addition to those already scheduled can be set up on

request. A separate meeting for Departmental Representatives/ Trade Union representatives is taking place on 9th June 2017

Once a decision has been made at the 19th July Executive and the call in period has passed, a link to the minutes with a report of the decision will be circulated to all staff.

Staff Questions and Panel responses

Where similar questions on the same themes have been raised, a summary of all responses has been recorded.

Opening Hours

Q1. Will GLL bring in proposals to increase the opening hours? If so, will they bring more staff in?

A1. A method statement had been produced for each element of the service which is what the Council asked for. This includes opening hours. The minimum requirement is for the opening hours that we currently deliver. However as part of their commitment to continued improvement, GLL will look to extend opening hours which may require additional staff.

Q2. Can Libraries be used on current closed days?

A2. This is a possibility. GLL can propose this and the Council would make a decision based on the business case. The GLL proposal aims to make the buildings work harder.

Savings

Q3. What is the justification for a commissioning agenda? Why is a third-party deemed to be best placed to deliver library services?

A3. It is in line with the Council's Corporate Operating Principles to consider who is best placed to deliver services that achieve best value for money for taxpayers and service users alike. The business case for market testing the library service was set out in a report to the Executive on 9th November 2015.

Q4. Why wasn't consideration given to other alternatives, for example spinning out a staff-led mutual, such as those now delivering library services in Devon and York?

- A4.** Other alternatives including the option for a mutual or Industrial Provident Society were considered and outlined in the Library Strategy and in the business case for market testing put to the Executive on 9th November 2015. They were discounted on the basis of a feasibility study undertaken by the Council, however as part of the soft-market testing exercise which informed the business case, determining who might be interested in potentially providing the library service, staff were given the opportunity to express an interest in participating (Colin Brand's letter to staff 18 May 2015). No interest was expressed by any members of staff. Additionally, the Council invited expressions of interest in the library service under the Community Right to Challenge legislation between July and September 2015, prior to deciding to market test the library service.
- Q5.** How much do you expect to save? How can they do it better and cheaper than the Council?
- A5.** There are significant savings across the term of this ten year contract. The exact level of savings cannot yet be confirmed because of the commercially sensitive nature of the information prior to a contract award. There will be financial benefits from economies of scale, improved bargaining power and from savings arising from their status as a charitable trust.
- Q6.** How can GLL afford to run the Library Service when we can't?
- A6.** The Council will be paying GLL to manage and deliver the library service on behalf of the Council.
- Q7.** How can GLL with 80 libraries undercut our consortium buying arrangements?
- A7.** GLL have increased buying power and can purchase books in accordance with the Stock Buying Policy for less than we can currently from the CBC (Central Buying Consortium).
- Q8.** How can GLL generate income when we can't?
- A8.** GLL's proposal does not anticipate generating a significant increase in the amount of income generated. However, their proposal does suggest that income could be generated by making Library buildings available for hire outside core hours and, introducing additional services, or Amazon Lockers.

Q9. What are the Options for the Library Service remaining in house if members do not accept the recommendation to award the contract to GLL?

A9. If the service were to remain in house, significant reductions in current service levels may need to be made resulting in staff reductions and cuts to the book fund as has happened previously. Austerity has not gone away and significant savings are still required from the Libraries budget. Retaining our current status quo is not a sustainable option. The GLL proposal allows us to make savings but retain current standards and promises some service improvements.

Q10. GLL are relatively new to running public libraries. Is the Council confident that a track record of only five years' standing in this particular area of business is sufficient to guarantee a reliable outcome from GLL?

A10. GLL have fully demonstrated and evidenced in their tender that they have an impressive track record of innovation and service delivery and improvement of key areas e.g. increased issues and visits. References from client officers in the three authorities currently with library services run by GLL have confirmed their satisfaction with the delivery on contract requirements.

Q11. How have GLL managed to improve the use of the library services they manage?

A11. Methods used would include developing library stock and buildings in new ways, introducing innovative ICT facilities, expanding the number and range of activities and introducing extensive staff training programmes.

Q12. Does the amount paid to GLL for delivering the library service go up in line with inflation - is this set out in the contract?

A12. Yes, the contract applied an inflationary index (CPI) to the annual contract price.

IT Equipment & Library Management System

Q13. Will IT /Technology be refreshed? Will GLL bring their own support rather than using BT which is the current arrangement?

A13. GLL will refresh and improve library IT equipment .They have their own dedicated IT support team. It is anticipated that the new IT

equipment supplied by GLL would be installed during the mobilisation period, ready for day 1 of the contract.

Q14. Will we be withdrawn from the London Libraries Consortium (LLC)?

A14. Yes the intention is to withdraw from the LLC. GLL have experience of LLC withdrawal as they followed the procedure with Wandsworth. We will be moving to a new LMS. Exiting the LLC will have a positive impact on our stock as we are currently one of the highest net lenders. GLL will ensure that customers have the same standard of request service that they currently experience, as this has been required in the specification.

Q15. When will the new Library Management System be implemented-will we receive training? Is it more reliable than our current system?

A15. Staff will receive full training before a new LMS is implemented. We gave a detailed specification of our requirements from the LMS in the tender documents. GLL use a Capita system which has been fully outlined in their method statement. Defaults relating to reliability of the LMS are imbedded in the Key Performance Indicators (KPIs) for monitoring the contract.

Public Opinion & Library Closures

Q16. Do you realise how against this process the public are and that they have been signing a petition against the privatisation of services? Are the decision makers aware of this public opinion as this could impact on them in elections?

A16 Members will need to reconcile themselves with the public opinion in their decision making. Feedback and comments from staff and their representatives will be included in the Committee report.

Q17. Have GLL closed any libraries apart from Mobile Libraries?

A17. Not to our knowledge. However if a Library is closed then the responsibility lies with the Local Authority not with GLL. GLL manage the service on behalf of the Council as the commissioning authority and, as is the case with their other library service contracts, cannot instigate significant changes without the authorisation of the Council.

Q18. What if Bromley Council change their mind relating to the position on Library closures

A18. Any decision to increase or decrease the number of Libraries in the borough would be down to the Council's elected Members. The contract would allow us to add or subtract libraries from the contract. Any decision would not be down to GLL. The Council has the right to vary a contract, but the level of change is restricted by Procurement Regulations. The Council has a public law duty to consult service users before any such decision is taken.

Q19. How does GLL intend to engage with Bromley's customers and stakeholders?

A19. GLL monitors qualitative customer feedback to measure performance service standards and ensure continuous improvement. Comments and complaints forms and customer suggestion boxes will be in prominent and visible locations at all libraries. There will be annual user surveys. The GLL website provides 24 hour access for feedback and there will be interaction through social media.

Q20. What does it mean in practice that an Equalities Impact Assessment has been carried out?

A20. An equality impact assessment (EIA) is a process designed to ensure that a policy, project or scheme does not discriminate against those with protected characteristics. EIAs have been written and published throughout the process. There is no evidence to suggest that the delivery of the Library Service by GLL would have a negative impact on equalities grounds

Community Libraries

Q21. Are the Council committed to asking GLL to provide the same levels of service at Community Libraries as at the other core libraries?

A21. Yes. Following the decision not to award a contract for community management of the 6 Community Libraries, these libraries were included in the specification for delivery under this contract by GLL. Although not all libraries operate on the same level, the same high levels of service have been specified for all libraries as is the case now.

Library Buildings

Q22. If GLL take over, who will own the buildings and who will be responsible for the maintenance of Library buildings?

A22. Bromley Council will still own all Library buildings with the exception of Mottingham and Penge Libraries which the Council leases. GLL will take on tenant responsibilities for all library buildings, including taking a sub-lease on Penge and Mottingham libraries. Bromley will retain ownership of those buildings that it does not lease, and as the landlord will be responsible for ongoing repairs to the building. Bromley Council are still committed to improving libraries through exploring opportunities for redevelopment where possible.

Staff: TUPE & Terms & Conditions & Contractual Issues

Q23. What is the purpose of the formal consultation process?

A23. The purpose of the formal consultation process is to fully consult both staff and their representatives about the GLL proposals and to explain the decision making process, before a decision is made. The process provides an opportunity for views and ideas to be put forward and for them to be fully considered. Management will consider them and provide a written response. The outcome of the consultation process, including the management response, will be fed back to Members before they consider the proposals and make a decision.

Q24. Staff morale is low. Would the council write into the contract that GLL maintain current staff terms and conditions for staff as was the case at Greenwich?

A24. The Council has not required this and did not go to the market on that basis, and therefore did not instruct bidders to price on that basis. To do so would change the dynamic of the bid from a financial position, and may leave the Council open to legal challenge. As previously explained TUPE cannot be covered at this stage as no contract award has been made. Subject to contract award GLL will enter into the staff engagement process and meet with staff both in groups and individually. GLL will advise on any measures that they envisage as part of the TUPE process. GLL are committed to a positive transition for staff going forward

and are not proposing any compulsory redundancies as part of their measures. They have advised that they want to work with staff and trade unions and are committed to providing good quality library services.

Q25. Given that it has been stated in the various LBB reports re library service commissioning that library staff are largely not in favour of a commissioned service and staff morale is generally low, are there any concerns regarding how this lack of staff engagement might affect the outsourced service going forward? What measures are envisaged to ensure a smooth transfer to the new set-up?

A25. There has been full engagement throughout the process with both staff and their representatives, both through written communication and staff meetings. It is understandable that staff may have concerns, as any change leads to uncertainty. Library management have ensured throughout the process that they have involved staff and will continue to do so in the event that the contract award is agreed. Both the Council and GLL are well experienced in managing successful transfers of staffing groups to ensure a seamless transfer.

Q26. Bromley Libraries currently use a large number of sessional staff to keep libraries running. Has this been explained to GLL and will this be factored in to their staffing structure?

A26. The specification is based on current service levels. GLL were provided with the number of staff that are currently needed to run the service and were notified where there are vacant posts and sessional staff. We are aware of how heavily we have relied on sessional staff over the past few years and communicated this to GLL.

Q27. Will my current role be included on the new GLL staffing structure. Will vacant posts be filled?

A27 Details of all posts (with the exception of two posts forming the Client Team which are not in scope) are in scope for transfer to GLL. This includes 2 existing site officer posts.

Q28. Post-transfer, how will the remaining professional librarian staff engage in the strategic management process? Will they still have the opportunity to deploy their specialist knowledge to the benefit of the service as at present?

- A28.** We would expect GLL to make use of the professional expertise held by transferring staff. Exactly how will depend on the posts that they have in the new set-up.
- Q29.** Are sessional staff, agency staff and temporary staff in scope for transfer to GLL?
- A29.** Sessional staff will be looked at individually on a case by case basis, depending on how often they have worked and whether they have accrued employment rights. Agency workers are not in scope and are not covered by TUPE.
- Q30.** What are TUPE measures and when are they discussed?
- A30.** A provider will provide details of their TUPE measures after any contract award as part of the TUPE consultation. These are the proposed changes the new service provider intends to make after the transfer; they can just be minor details such as change of pay date or period of leave year. After contract award GLL would consult and meet with staff and trade unions in a series of meetings ranging from group presentations to 1:1 meetings.
- Q31.** Separate consultation about TUPE - in what sense will it be a consultation given that the contract will have been awarded at this point?
- A31.** Following the 19 July Executive, if Members are in favour of the proposal, a new separate consultation relating to TUPE will apply with both staff and trade unions. TUPE consultation is about informing and consulting on the proposals and how the transfer will take place. It is also a requirement for the new provider to consult on any measures that they envisage taking in relation to the transfer. The consultation may also deal with a range of practical aspects of the transfer, including checking staff information, explaining what induction there would be and any transitional arrangements with regard to processes, e.g. HR Self Service. There is a requirement for both the Council and new provider to consult with staff and the trade unions.
- Q32.** What will happen to my pension? Will I still remain in the Local Government Pension scheme (LGPS)? What will happen after the 10 year life of the contact?

- A32.** Yes – We would expect GLL to apply for admitted body status so that employees can remain in the LGPS. LBB will finalise and sign off the paperwork on this before any contract award begins. In applying for admitted body status into the LGPS GLL must also obtain a pension bond to protect staff pensions. Entitlement to remain in the LGPS remains whilst employees are still on their protected LBB terms and conditions. Thereafter if an employee accepts a new role within GLL they would be put on GLL’s terms and conditions and enrolled into GLL’s pension scheme. It is not possible to predict what the situation would be at the end of the 10 year contract with regard to pensions/TUPE legislation, however subject to there being no changes to the regulations then the same principles with regard to TUPE would apply then as they do now.
- Q33.** If the contract breaks down will staff get transferred to a different provider?
- A33.** A contract of this scale is unlikely to fail as during the lengthy procurement process. Council Officers have drilled down into the detail to ensure the success of the contract. This has resulted in a contract that is built to last ten years. Additionally GLL value their reputation so want the contract to succeed and do not want to incur defaults. Very few contracts have come back in house after outsourcing. The contract will be properly managed and monitored.
- Q34.** What will happen if GLL get taken over by somebody else?
- A34.** GLL cannot be taken over by another provider due to their legal constitution.
- Q35.** Will Bromley Staff be expected to work in other boroughs?
- A35.** Bromley employees currently have contracts which state that, other than their main place of work within the London Borough of Bromley they may be required to work on a temporary or permanent basis at any other premises within the agreed group in order to maintain services. By agreement they may also work at any other premise from which the library service operates. In the main it is expected that Staff will be Bromley based but GLL may be able to provide staff with career development opportunities in nearby GLL boroughs for interested staff. (If there were any changes to existing staff contractual arrangements GLL would be required to identify these in their measures).

- Q36.** How are GLL proposing to use volunteers? Can you guarantee they won't be used to do work currently done by paid staff?
- A36.** GLL do not propose to replace any paid staff with volunteers. However, they may supplement their workforce by creating opportunities for volunteers within the library service as the Council currently does e.g. offering volunteer opportunities in the delivery of the Home Library Service, Summer Reading Challenge, and to delivering activities e.g. knit and natter, assisting with Archives etc.
- Q37** Are the specialist staff returning from the Shared Service be more at risk of redundancy as GLL must have their own specialist team.
- A37.** There are no planned compulsory redundancies. Their roles may be varied, which may include at times delivering frontline services, however should this be the case GLL would be required to provide information about this in their measures.
- Q38** Will staff have to wear a uniform as they currently do in Greenwich?
- A38** GLL's submission regarding uniforms as outlined in the relevant method statement says "All staff will wear either a uniform or clothes which comply with GLL dress codes." Tax relief can be applied for from HMRC for staff who are required to launder a work uniform.
- Q39** If the contract is awarded would staff be working directly for GLL rather than Bromley Council? Would there be different payroll arrangements and Occupational Health etc.?
- A39** Yes if a contract award is made to GLL, staff in scope would be TUPE transferred across to GLL, who would become their employer. They would be paid by GLL and would be removed from Bromley HR systems. Staff are advised to print off current payslips and P60s etc. for their records. Also GLL would be responsible for providing their own occupational health services.
- Q40.** How does staff ownership of GLL work?
- A40.** Those staff who are members of the organisation own it through a non-dividend paying share.

Q41. It mentions on GLL's website that "stretch targets" were issued for staff in Greenwich and Wandsworth – would the intention be to issue them for Bromley staff too?

A41. It will be for GLL to consider how to best manage their staff to deliver the services as required by the Council under contract.

Current Library & Council Services

Q42. Will the Kiosks at Penge which take Council Tax and Business Rates payments remain? If so who will collect and count the money?

A42. Yes the kiosk will remain. The income from this will still go to the Council. Income will be coded correctly and reconciled. The exact arrangements will be established during the mobilisation period. The Council will be responsible for collection.

Q43. West Wickham Library currently allows the friends of West Wickham Library to hold their monthly meetings free of charge at the Library. Will GLL allow this to continue?

A43. Tim Woolgar as the Contract Manager would make a decision on whether this arrangement should continue. It is expected that this would continue as it provides a benefit to the library. Similar decisions would be made on a case by case basis.

Q44. Will GLL be allowed to charge for Services that we are currently offering for free?

A44. If GLL want to propose charges for some of their services they would need to put these forward to be reviewed by the Client Team and Members. Significant changes to fees and charges will need to be agreed by Members.

Q45. Will GLL systems take card payments?

A45. Yes both card and online payments will be available as GLL currently use both payment systems.

Q46. If a contract award is made, will libraries retain their current telephone numbers?

A46. It is anticipated that a transfer of telephone numbers will be possible. This will be confirmed during the mobilisation phase.

Q47. At the moment, each branch largely acts autonomously with regard to the planning and delivery of activities. Will GLL be taking a more centralised approach?

A47. The service specification and the Appendices detail our current arrangements. GLL have demonstrated in their method statement that they will provide the appropriate resources, events and activity programmes to capture the interest and support the needs of each user group. Events and activities will be delivered locally by Library staff unless they are booked special events.

Contract Monitoring and Quality Control

Q48. What exactly happens in a detailed period of due diligence?

A48. During due diligence, both parties review the detail of the bid and their contractual obligations to ensure that they have everything in place to implement the contract, and that any matters outstanding (that could not be considered at an earlier point because of the nature of the service) are resolved. They will also prepare for contract implementation and put in place their agreed implementation plan, starting to resource any areas of activity required prior to contract commencement.

Q49. Would it be possible to see the Job Descriptions of the Client Team?

A49. They will be circulated as part of the committee report.

Q50. What will be the size of the Client Team?

A50. It is anticipated that the Client team will consist of 2 people and therefore 2 posts have been removed from the scope of transfer.

Q51. If the Client Team posts are subject to job evaluation, how is it that the posts have been removed from scope and the post-holders simply transferred over to new roles?

A51. An analysis of all the functions and posts within the library service are assessed against the specification and contract. Where posts and their functions fall within scope of the specification then TUPE applies and the staff transfer across to the new provider in the event that the contract award is agreed. The functions within the

client team are not in scope for TUPE transfer. The two post holders who are not in scope hold broadly similar roles at the present time as the roles within the client team. The two post holders have led over the last two years on the commissioning process for Libraries and are on the Project Team. As such they have been heavily involved in creating the tender documentation including the Specifications and KPIs, the monitoring of which will form a major part of the client team's duties. JDs are being revised to reflect the changing nature of the role once the Client Function is operational, however it is not envisaged that the changes are significant enough to require the current post holders to apply for jobs, which effectively are their existing roles.

Q52. Where would the client team be located and how much contact is it likely to have with the workforce it is monitoring?

A52. It is anticipated that the client team would be based with others on the Civic Centre site. There will be monthly meetings with GLL staff managing and delivering the service. There will also be monitoring visits to library sites which will provide contact with the wider workforce. The monitoring framework of the contract is set out in the contract document: Service Levels and KPIs.

Q53. What influences will the Council have over contract? Who will report on the contract and will it be realistic?

A53. Bromley Council still retains statutory responsibilities for the provision of the Library Service under the 1964 Act. If the contract is awarded then GLL will be accountable to the Council, and not in overall control. They will be monitored by the Client team which will be headed up by Tim Woolgar. Tim will be accountable to Members and will need to report regularly on performance. Additionally, GLL will be required to attend scrutiny meeting twice annually to be held to account.

Q54. How will the contract be monitored?

A54. The client team will monitor the contract using a set of key performance indicators (KPIs) and these can be viewed on the team site. This vigorous measurement regime deducts defaults if KPIs are not met. There will also be monthly review meetings between GLL and the Client team who will conduct periodic visits to libraries as well.

Q55. How do we measure levels of Service and how will this work in the future?

- A55.** What we currently measure is our baseline. Baselines will continue to be measured in the future. This is well documented and regulated and has been recorded in the specification .GLL performance will be measured against this.
- Q56.** The KPIs appear largely quantitative in nature – how will the qualitative aspects of the service be monitored, for example, learning outcomes?
- A56.** The specification is on a like-for-like service so qualitative methods would be utilised as they are now. This includes the use of customer questionnaires and surveys.
- Q57.** If the strategic management of the service is to be shared between the client team and GLL, how will this be achieved in practice on a day-to-day basis?
- A57.** Please see Section 2.1 of the Specification. The Council is ultimately accountable for the strategic decisions for the future delivery of the library service. GLL will work closely with the Client to develop appropriate strategies and plans for the delivery of the library service, using their knowledge and expertise to inform recommendations to the Council who will approve and adopt strategic plans.
- Q58.** Some Bromley staff feel that the quality of service at Wandsworth is not to our current standards. If GLL are protective of their reputation why after taking on Wandsworth didn't they provide a good service?
- A58.** The service that is provided at Wandsworth is down to the specification of the service required by Wandsworth Council. GLL are delivering what is outlined in that document and are compliant with the contract requirements.
- Q59.** Why do you think GLL are such a good organisation when around 75% of GLL's staff are on zero hours' contracts?
- A59.** Officers have not been given any evidence to support that GLL are offering zero hours contracts to library staff. All the Contract managers for GLL Library services have been approached by officers who have confirmed that they are happy with the way their contracts are being delivered.
- Q60.** Have you checked GLL finances –are they financially viable?

A60. As part of the tender process and due diligence, full financial checks have been made and references have been taken up and the Council is satisfied they are financially viable.

Q61. What was it about GLL that you liked so much? Were they the only ones left in the process?

A61. The market led exercise began in 2015 with several bidders. The negotiated process resulted in one preferred bidder being identified. The Project board were impressed with both the quality and price of the GLL's proposal. They have a great deal of experience which they demonstrated running over 80+ libraries and delivering high quality innovative services.

Specification

Q62. Did you say the specification was like for like? Does this mean that nothing can be taken away afterwards?

A62. The specification is what Bromley Council are asking GLL to deliver. At any point during the contract Bromley can add, change or take away services. GLL cannot do this unless the Council asks them to.

Q63. Do staff have access to the latest version of the specification as there are some references to Anerley Book Locker and Shared Service? Why is it half the size of the first version? All staff should read the specification

A63. The first version of the specification was for both Bromley and Bexley so was considerably larger. The amended version was for Bromley only. At the time the specification was produced the Shared Service was still in operation and the Book Locker active. The specification has been amended to remove the reference to the Book Locker.

Q64. On p11 of the specification it says that staff would be empowered to resolve complaints. This is currently only done by senior staff; does this mean all staff will be expected to do this?

A64 This is a general statement given regarding an output indicating that all staff should make their best endeavours to minimise complaints. There would always be some matters that would need to be referred to a senior member of staff. There will be six month

bedding in period if the contract is awarded where processes will be ironed out and clarified.

- Q65.** How will ownership be divided among the council and GLL? i.e. when the contract ends, who owns the book stock, library premises, computers, etc.?
- A65.** See Section 2.9 of the Specification: Exit Planning. This details the procedure that would be followed.