

EAST HERTS COUNCIL

LOCAL JOINT PANEL – 18 JUNE 2008

REPORT BY THE SECRETARY OF THE STAFF SIDE

8(B) RETENDERING OF LEISURE SERVICES – UNION INVOLVEMENT

WARD(S) AFFECTED: NONE

RECOMMENDATION - that East Herts Council involve UNISON in the selection process of the re-tender of Leisure Services and comply with Best Value Performance Improvement Statutory Guidance (ODPM circular 03/2003) by enabling union branch officers to interview short listed bidders, before submitting final comments for consideration.

1.0 Purpose/Summary of Report

1.1 To agree the most appropriate means of union involvement in the procurement process in accordance with legislation, statutory guidance, good practice and effective partnership working.

2.0 Contribution to the Council's Corporate Priorities/Objectives

2.1 Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.

3.0 Background

3.1 The Council is currently in the process of selecting the preferred bidder for the new leisure services contract and according to the agreed timetable a decision is due to be made on 27 June 2008.

3.2 At the Local Joint Panel meeting of 11 December 2007 the Staff Side requested that full consultation with UNISON takes place as required by TUPE legislation and also that full involvement in the procurement process takes place as required by the ODPM circular 03/2003 Annex C paragraph 10.

“Procurement decisions by local authorities should take proper account of workforce issues. Staff and unions should be involved in the option appraisal stage, and where there is a decision to outsource, staff and unions should be involved in the selection process and in the subsequent detailed work around the transfer”.

4.0 Report

- 4.1 Consultation with UNISON has now taken place, including an invitation to comment on the method statements relating to workforce matters submitted by the bidders. The Director of Customer and Community Services has also shared the initial assessments of the bids with UNISON and these included the comments made by UNISON.
- 4.2 UNISON however, requested at the meeting of 11 September 2007 that the selection process included the opportunity to interview the bidders before making a final assessment, in order to obtain a clearer picture of how the respective organisations handled workforce matters.
- 4.3 This provides the opportunity to speak to representatives of the companies face to face, in order to clarify points made in their method statements and also to seek views first hand on specific matters. Experience has shown that this is by far the most effective way of assessing views on employment relations and workforce matters.
- 4.4 UNISON’s aim has always been to foster good relations with East Herts Employers and to work in partnership with Managers and Council Members, in order to achieve all the objectives set out in the East Herts Council/UNISON Recognition Agreement. There will inevitably be differences of opinion at times but partnership working by its very nature must be based on mutual trust and respect.
- 4.5 UNISON was given the opportunity to interview bidders both when the car parking contract was awarded to CPS (now APCOA) and when the leisure contract was awarded to Aspire Leisure Trust. UNISON’s involvement in the latter is recorded in the minutes of the Executive meeting of 18 January 2005, where minute 4.2 states the following: *“As part of the procurement process and as set out in the Code of Practice on Workforce Matters, Unison met with the company interviewed.”*

- 4.6 To date the request to interview the bidders for the re-tender of the leisure contract has met with a strange and incomprehensible reluctance to agree, from the Director of Customer and Community Services. No valid reason has been given for this.
- 4.7 UNISON therefore wishes Council Members to consider this request, particularly in view of their willingness to accept the process without question last time round. It is hoped that comments by UNISON will be of assistance to Members at least in respect of workforce matters when they have to select their preferred bidder.
- 5.0 Consultation
- 5.1 Consultation has taken place with UNISON.
- 6.0 Legal Implications
- 6.1 None
- 7.0 Financial Implications
- 7.1 None
- 8.0 Human Resource Implications
- 8.1 There are implications for all employees transferred.
- 9.0 Risk Management Implications
- 9.1 None

Background Papers

None

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