



Date: January 14<sup>th</sup> 2013

Re: SCC Proposed Increment Freeze 2013 - 2014

Dear Julie,

I am writing to you in response to your letter to me and my trade union colleagues, dated January 10<sup>th</sup> 2013, and to set out a few concerns that I have with the process that you are following in order to dismiss and re-engage our members (letter to employees January 7<sup>th</sup> 2013).

I will go into further detail below with regard to the content of the letters but the first thing I would like to raise is that the letter to members is, as has been the case in the past, written in a way that will frighten employees into signing rather than asking them and explaining the need. An example of this can be clearly seen when it is stated 'If you accept the offer of new terms and conditions of employment your continuity of service with the Council will be fully preserved'. This implies that if employees do not accept the new terms and conditions by signing then their continuity of service would be broken and as you are aware that is not the case.

Your letter to me also states that we have not come up with any alternative proposals but clearly I have raised our concerns that the Council are looking to save £5 million from terms and conditions whilst spending £10 million a year on Agency staff from Reeds. You go on to explain this and question our figures which, as you are aware, were provided by yourselves (attached) and they state a monthly cost of £900,423. In the absence of any further information we have multiplied that monthly figure by 12 and it adds up to £10,805,076. When we have consulted with GMB members they have told us to ask the Council to find their savings from the Reeds budget and I have. That is our counter proposal.

Your letter dated 7<sup>th</sup> January 2012 that has been sent to our members sets out your intention to dismiss and re-engage employees in the event that they decide not to accept the variation to their contract. There is no time scale on the issuing of dismissal notices although on page 3 of your letter it states "in the event that the Council serves notice you will not be able to continue to be employed under your old terms and conditions after the implementation date i.e. 1 April 2013."

I must add that in my opinion most staff employed by the Council will qualify for 12 weeks notice of dismissal by virtue of S86 Employment Rights Act 1996 and I have therefore written this letter based on a 12 week notice period. Even if you had chosen to serve notice in your letter dated 7<sup>th</sup> January 2012, which you do not appear to have done, the notice would not have expired before 1<sup>st</sup> April 2012.

GMB - BRITAIN'S GENERAL UNION

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General Secretary: Paul Kenny

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Issuing notice on a date yet to be determined will mean that in all circumstances the notice will run beyond 1<sup>st</sup> April 2012. As far as I am aware the contracts of employment currently in force provide for those eligible staff to receive an increment on 1<sup>st</sup> April 2013 (due increment date). This will mean the contract of employment in force at the due increment date will be the current contract. It therefore appears to me that eligible employees who have not accepted your voluntary variation, where notice of dismissal will extend beyond 1<sup>st</sup> April, will be entitled to receive their increment in accordance with the terms of their contract in place at the due increment date.

As the process of dismissal and re-engagement cannot apply retrospectively any increment freeze would only apply in April 2014 for the following year. Should you choose not to pay eligible staff their increment on 1<sup>st</sup> April 2013, in my opinion, the Council will be exposed to claims of unfair deduction of earnings/unfair dismissal.

The GMB will be sharing this response with our members in way of an up-date and advising them against signing the variation to contract acceptance form to make sure their employment rights are protected.

I appreciate the fact that we are facing terrible financial pressures and unprecedented times in the City and we will continue to work with the Council to work through the problems we all face. I hope, however, I have made the GMB's position clear and that is that we believe our members have suffered too much in financial terms to date and we do not accept any further deteriorations to our members terms and conditions.

Yours sincerely,

Peter Davies

A handwritten signature in black ink, appearing to read 'P. Davies', with a long horizontal flourish extending to the right.

GMB Organiser

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Sep-12	Number of Agency Workers	Monthly Charge for Agency	% of total monthly charge for SCC
<b>Communities Total</b>	<b>252</b>	<b>£337,670</b>	<b>37.50%</b>
Driving	31	£13,881	1.54%
Fac Man & Building Serv	1	£175	0.02%
General Industrial	2	£2,065	0.23%
Housing	5	£12,445	1.38%
Policy, Performance & Review	2	£14,334	1.59%
Secretarial & Admin	41	£55,558	6.17%
Social Care Qualified	37	£119,525	13.27%
Social Care Unqualified	132	£103,345	11.48%
Technical	1	£16,342	1.81%
<b>CYPF Total</b>	<b>157</b>	<b>£380,256</b>	<b>42.23%</b>
Education	25	£172,948	19.21%
General Industrial	2	£104	0.01%
Human Resources	2	£4,090	0.45%
Secretarial & Admin	48	£65,763	7.30%
Social Care Qualified	8	£50,981	5.66%
Social Care Unqualified	72	£86,370	9.59%
<b>DCEX Total</b>	<b>7</b>	<b>£28,411</b>	<b>3.16%</b>
Secretarial & Admin	1	£2,071	0.23%
Legal	6	£26,340	2.93%
<b>Place Total</b>	<b>34</b>	<b>£63,905</b>	<b>7.10%</b>
Call Centre / Customer Services	2	£3,777	0.42%
General Industrial	14	£21,840	2.43%
Housing	3	£4,848	0.54%
Policy, Performance & Review	1	£4,368	0.49%
Secretarial & Admin	8	£13,113	1.46%
Technical	6	£15,960	1.77%
<b>Resources Total</b>	<b>71</b>	<b>£90,180</b>	<b>10.02%</b>
Call Centre / Customer Services	27	£38,597	4.29%
Driving	34	£20,951	2.33%
General Industrial	3	£6,736	0.75%
Housing	1	£12,750	1.42%
Procurement, Logistics & Supply Chain	1	£3,607	0.40%
Secretarial & Admin	5	£7,539	0.84%
<b>Grand Total</b>	<b>521</b>	<b>£900,423</b>	<b>100.00%</b>