

**DISMISSAL AND RE-ENGAGEMENT LETTERS & RETURNED
ACCEPTANCE FORM UP-DATE JAN 2010**

Dear Colleague,

As you are aware, I have written to you previously about this but due to some of the acceptance forms now being returned to our members I am writing to you with further and up-dated advice.

If you have not already accepted the new terms and conditions you will have received a further letter from the Council. The letter gives you notice of dismissal from 31st March 2010 and offers re-engagement on the new terms and conditions from 1st April 2010. As the acceptance form makes clear, dismissal and re-engagement will not affect your continuity of service.

If this latest letter that you have received does not contain identical information regarding your offer letter/s then this will be an error. You must therefore register a query with the pay review team and obtain a reference number, but do not sign if it's incorrect.

For all others we now set out our latest advice:

We do not advise any of our members to reject the offer of re-engagement. We advise members to return the acceptance form at the end of January 2010 with the following advice:

1. Ensure that you write at the bottom of the form:

“Please note that I reserve the right to take an unfair dismissal claim arising out of my dismissal and re-engagement, and/or an equal pay claim, if so advised”.

As previously stated, we cannot guarantee that at this stage unfair dismissal claims will be taken. Further legal advice will be given in due course.

2. You should also lodge an appeal against dismissal, on or before 31st January 2010 (we have received assurances from the Council that the deadline date of the 4th, included in the letter, is extended to the 31st). I have attached an appeal letter **(A)** for your convenience.

Julie Toner.
Sheffield City Council,
Town Hall,
Surrey Street,
Sheffield
S1 2HH

Date:

Dear Mrs Toner

In response to your letter dated --/--/-- I have made my position clear in the previous acceptance form that I sent back and I do not intend to send a new form.

Can you confirm that this has been received and accepted by the Council and if not then please explain to me (formally) why you have not accepted my signed form.

Yours Sincerely,

cc
GMB

Dear John,

I have been informed that the forms that employees are sending back to the Council to accept their new terms and conditions are being sent back if those employees are including the wording that we advised our members to add to the forms. I have attached the standard letter that Julie Toner is sending out to these employees. The wording below is what we have advised members to include in their letters:

“Please note that I reserve the right to take an unfair dismissal claim arising out of my dismissal and re-engagement, and/or an equal pay claim, arising out of the flawed job evaluation scheme, if so advised”.

Cheryl Blackett has raised a concern with regard to this wording and I have responded but I now need to point out the following and seek further clarification; Can you please confirm what the Council intends to do to those employees who have simply indicated on the form that they reserve their right to take an unfair dismissal claim and or an equal pay claim? Since dismissal for the former would be automatically unfair contrary to section 104 ERA 1996; and subjecting the employee to any detriment as a result of asserting an EPA claim would amount to unlawful victimisation, contrary to section 4 SDA 1975.

We have examples of Heads of schools telling their employees to add information to the acceptance letters (e.g. add an extra week/s as the School will be providing this in order to mitigate completely).

Julie’s letter is very brief and does not point out what is incorrect about the acceptance form. I would like you to clarify the following points please.

1. Have copies of these forms been kept by the PRT team and in the event that employees do not fill in the new (revised) form will the Council take it that the employee has accepted the terms?
2. Please clarify why you won’t accept the returned forms that include the wording I refer to above and can you set out what your issues are with the inclusion of the statement and why the Council will not accept?
3. Have all School Heads and Heads of departments been informed that in the event that they advise employees to add information to their acceptance forms these forms will be rejected?

Given the fact that we are still talking about the new Pay and Grading Structure it would be appreciated if I could have a swift response so that we can advise our members accordingly and clarify the GMB position for our conveners.

Thank you.

Peter

Peter Davies -Organisation Office

Julie Toner.
Sheffield City Council,
Town Hall,
Surrey Street,
Sheffield
S1 2HH

Date:

Dear Mrs Toner

I wish to exercise my right to appeal against the decision of Sheffield City Council to dismiss me. I have set out the main reasons for my appeal below.

“I consider that your dismissal and re-engagement is unfair because the dismissal arises out of the implementation of a job evaluation scheme which is fundamentally flawed, does not deliver equality, and in relation to which the scores have been manipulated to save the Council money”.

I look forward to expanding on these reasons at the appeal and can confirm that I will be exercising my right to be accompanied by my GMB representative at any meetings that are arranged to discuss this.

Yours Sincerely,

CC
GMB

WHAT TO DO IF THE COUNCIL SENDS THE COMPLETED ACCEPTANCE FORM BACK TO YOU?

Some of our members have already followed this advice and have now been sent their completed acceptance forms back with a letter from Julie Toner stating that the forms have been filled in incorrectly. I have attached a copy of the latest correspondence that I have sent to John Mothersole **(B)** and Paul Scriven asking for an explanation as to why this has happened. To date there has been no response so I have attached a copy of a standard letter **(C)** that I advise you to send back should this happen to you.

We have the following surgery dates available to help with these appeals and/or any other issues that you may have with regard to Pay and Grading. Please contact us and book an appointment if you require further support.

The surgeries will be available on the following dates:

	THU	WED	THU	WED	THU
January 2010	14 th	20 th	21 st	27 th	28 th

You can book a start time of: 4:00pm, 4:30pm, 5:00pm, 5:30pm, 6:00pm, 6:30pm, 7:00pm or 7:30pm

How to book: Members can either complete and post the booking request below, e-mail the request to Sheffield@gmb.org.uk or telephone our office on 0114 2768017 and we can check availability and confirm the booking.

NAME / S	DATE	TIME	CONTACT PHONE NUMBER OR E-MAIL & WORK DEPARTMENT/DIRECTORATE

I realise that you are facing a difficult period in your employment and that the information that we have been able to give you has been scant at times. We have based this latest information on our most up-to date legal advice. Please let me assure you that we will be doing all that we can to assist you and do not hesitate to contact us if you require further help with this or indeed any employment issue.

Yours sincerely,

Peter Davies
(GMB Organisation Officer – Sheffield)

«title» «Initial» «Sheffield_Employee_Surname»
«Sheffiled_Employee_addr_line_1»
«Sheffiled_Employee_addr_line_2»
«Sheffiled_Employee_addr_line_3»
«Address_line_4»
«Sheffiled_Employee_addr_post_code»

Reference - «Sheffield_Employee_Number»«Sheffield_Pay_Review_Post_ID»
23 December 2009

Dear «title» «Initial» «Sheffield_Employee_Surname»

Thank you for returning your Acceptance Form. Unfortunately, you have not completed the form correctly.

Please find enclosed a replacement Acceptance Form for you to complete and return to:

Pay Review Transaction Team
Corporate Mail Facility
Freepost NEA5527
Town Hall
Sheffield
S1 2ZZ

Please return no later than 31st January 2010 to enable the appropriate action to be taken.

Yours sincerely



Julie Toner

Interim Director of Human Resources

This document can be supplied in alternative formats. Please contact:

The Pay Review Transaction Team

Telephone on 0114 20 37779

Email at PayReviewQueries@capita.co.uk

«Sheffield_Employee_Number»«Sheffield_Pay_Review_Post_ID»