

## UNISON MEETS WITH LCC HR

**S**enior Branch Officers and our Regional Organiser met with LCC's Director of HR and members of the Equal Pay Review Team on March 31st.

This was the first time the Branch had met with HR since registering a collective dispute with the authority on 24th about the process of implementing the EPR and the proposals. UNISON believes it's extremely important to maintain communication with the employer during this time so that we can raise directly with them the concerns, anger and disappointment that our members are feeling.

At the meeting we discussed the JE appeal process, changes in proposals, information we require and how the council intends to next write to employees.

The Director of HR informed us they do not intend to write again to employees in advance of 26 April in relation to asking you to voluntarily agree to the proposed changes. As our legal advice (see Loud & Clear 7) makes clear there is no need for members to feel rushed or intimidated into signing – **you will not be dismissed on 26 April if you don't sign up.** However, if you do voluntarily sign up you will lose any ability to challenge the proposals or their impact in law and that will

probably also mean that you cannot take part in any lawful ballot for industrial action we may hold.

The Director confirmed that after the 26 April employees who had not voluntarily agreed to the changes would be served with letters of notice of dismissal. These letters will include offers of reengagement to take effect immediately the dismissal comes into effect so there would be no break in service. We were also informed that the offers of reengagement would be on exactly the same terms as those in the letters you have received including the transitional protection arrangements for basic pay and other allowances as set out in the letter. This means that if you accept the offer of reengagement you will have exactly the same new terms and conditions and protection arrangements as you would if you voluntarily agreed to the changes by 26 April.

So what's the difference? As we said above (and in our legal advice) if you voluntarily agree to change your contract you cannot then challenge that in law. And you probably cannot take part in a ballot for industrial action about the changes. If you don't voluntarily agree to the changes and are then dismissed from your current contract as a result then you retain the ability to challenge the changes in law – even if you have accepted a new contract on the revised terms. We must

stress, again, this is not meant to suggest there are strong grounds for legal challenges and any assessment would be made on a case by case basis under UNISON's normal procedures. But in this case you would definitely be able to take part in lawful industrial action ballots.

They informed us that a letter is likely to go out to employees that are losing basic pay under the EPR ("red" circles) with a range of things the Council will be looking at to remove or reduce the loss over the next couple of years – including potential restructuring, redeployment priority, reskilling opportunities and job redesign.

There will also be seminars about the effect on pensions and also welfare benefit seminars. These need to be open to all and we will ensure that happens.

Members in schools have yet to receive confirmation of their JE outcomes as Head Teachers have not completed the process of assigning staff to the job profiles that have been evaluated. The deadline for this is 1 April and letters will be going out to schools employees after Easter.



If you are not happy with the outcome you should lodge an appeal, following the process which will be sent with notification of your new grade. If you are in any doubt please get in touch with us but your first point of contact must be your line manager. HR confirmed that members would have access to the NJC and Hay information relevant to their job evaluation to allow an informed consideration of whether to appeal the score. This will include:

- The JEQ relating to the evaluation you have been given
- The Job description for the evaluation you have been given and the person specification
- The scores
- In addition generic information about the schemes and how they operate will also be provided.
- The main point is not to be put off and we will assist members through this process to the best of our ability.

They also confirmed their intention is to have the Appeal Panel made up of 3 management reps and 3 trade union reps.

Since the trade unions last met with HR formally on 2 March the authority has revised the scope of the proposed changes. Employees on Youth & Community terms and conditions and Soulbury terms and conditions will retain national terms and conditions where the specific condition is still determined by national bargaining. This is because both sets of terms and conditions are under review nationally and LCC has agreed to await the outcome of those reviews in relation to the local proposals. Where these national terms and conditions refer to Green Book (NJC) terms and conditions already, or where they are for local bargaining already, then the relevant proposed changes will still apply. On UNISON's request the Council will write to the unions confirming this.

For those members whose grade has increased they will go to the bottom of the new grade. Those whose post has been downgraded will be at the top of the new grade.

Honoraria payments will be withdrawn on 1 August but they will be reviewed and re-instated if there is a case to do so. This will be the subject of 6 monthly reviews going forward.

## CONFUSION OVER THE APPEALS GUIDANCE

Members are telling us the guidance on lodging queries and appeals is extremely confusing and we are aware there are different approaches being taken by line managers. UNISON does not believe the proposed appeal process is clear, nor are the timescales sufficient for members to fully consider whether they should raise a query, whether it should be individual or collective appeals and the time required to submit written appeals with full, supporting documents. To try and avoid confusion and make the process fairer UNISON has tabled an alternative outline proposal for the stages in the appeal process. We will be discussing this with HR after the Bank Holiday.

BUT, our advice for now is to start the ball rolling - if you are not clear about the evaluation you have been given and what the factor levels mean, you need to ask your manager to raise a query for an explanation. In our view it is the only way to begin the appeal process AS IT STANDS and help you to decide whether you actually have an appeal.

## HAVE YOU VOLUNTARILY AGREED THE CHANGES?

Because you cannot challenge the proposed changes in law if you voluntarily agree to vary your contract, and because you probably cannot take part in a lawful ballot as well, it is very important that you let the Branch Office know if you have agreed the changes by 26 April. We will keep a record on our membership system to ensure that any assessment of legal claims and ballot process is as rigorous as possible. **We cannot stress enough how important this is!!!**

## MEMBERS ASK – "CAN I WITHDRAW MY AGREEMENT TO THE CHANGES?"

At the member meetings we have been asked by people who have already signed to agree the changes whether they can withdraw that agreement; because they were signed in haste, they were misled into signing, they were under stress having received their letters, and because they want to be able to take part in any action we consider.

Obviously we cannot advise members on how the Council will respond if you withdraw your previous agreement to the changes. However, if you want to do this we would advise you consider the following;

- Do so as soon as possible and before the 26 April
- Do so in writing to the Director of HR
- Include in your letter wording similar to this – "I wish to withdraw my voluntary agreement to your proposed changes to my contract, given on the form supplied by you on 24 March and signed by myself on <date you signed your agreement>. I do not wish to voluntarily agree to the proposed changes at this time. I enclose a stamped, self addressed envelope for you to confirm acceptance of this letter by written reply, or alternatively you can confirm your acceptance by email to <enter email address>."

If you do withdraw a previously given agreement to voluntarily change your contract then it is equally important that you provide a copy of this to the Branch Office so that we can keep a record.

## MEMBER MEETINGS – GET YOUR COLLEAGUES TO JOIN

UNISON has organised a series of meetings across the County for members and non-union members. See our website and your steward or workplace contact for details of dates, times and venues. If you work alongside colleagues who are not union members then encourage them to come along. They can sign up – if we are going to move towards industrial action then the more people we have standing together the better chance we have of making an impact.

At the two meetings already held members have expressed real anger at how this process is being handled by LCC and how the proposed payline and particularly the terms and conditions are a smack in the face after years of loyal service. There is a genuine mood amongst members that they are not prepared to just accept these changes without taking some sort of action. Tell us what you think?

We are meeting officers of the other unions shortly to look at joint approaches wherever practical.