

BaFO Refresh – Section 4:

4.1 Workforce Information:

The Authority has updated the following section of the Workforce Information held in the Data Room and this is current as at the end of October 2008:

4.1.1 Section 1 – Workforce Information:

- 4.1.1.1 Numbers of posts and Post Numbers by service area within scope
- 4.1.1.2 Organisational structures by Service Area within scope
- 4.1.1.3 Employment details for each post e.g. post grade/band, length of service etc.
- 4.1.1.4 Workforce information by Service Area in respect of number of act-ups, disciplinaries, grievances, special leave etc.
- 4.1.1.5 Workforce information in respect of 2007/2008 sickness figures updated by Service Area within scope
- 4.1.1.6 Injury Allowance Top up Payment Claims – by post number
- 4.1.1.7 Information relating to Personal Accidents
- 4.1.1.8 Training plans and programmes by Service Area within scope
- 4.1.1.9 Guide to Pension scheme and contributions
- 4.1.1.10 National Insurance Contributions

4.2 Single Status:

With effect from 01 April 2007 the Authority introduced a new pay and grading structure and employment package for employees. The initial phase was implemented on 01 April 2008 (backdated to 01 April 2007) and a further phase was introduced from 01 January 2009.

4.2.1. Termination of Bonus Schemes and other associated payments

As part of the new employees package consultation, the position of Bonus Schemes was discussed with the Trade Unions. The outcome was that BCC could not determine a GMF defense for their retention and as such notice of termination was given to cease payments at the end of last year. Various support mechanisms have been put in place for staff affected by these changes.

Birmingham City Council have also given notice on various Local Agreements with a view to adopting, wherever possible, the City Councils standards for future allowance payments and operating procedures.

Information relating to the termination of Bonus Schemes and Local Agreements has been shared with Bidders.

4.2.2. Termination of Local Agreements.

Following the notification of termination of Local Agreements on 27th August 2008, effective from 1st January 2009, a three month period of consultation was undertaken by Highway Management with the JTU (Joint Trade Unions) covering both Highway and Street Lighting.

The areas included in the consultation were as follows:

- Public Holidays
- Annual Leave Entitlement
- Out of Hours Standby
- Night Patrols
- Clocking in and out
- Site Finish
- Taking vehicles home
- The working day

At the end of the consultation period the new operating procedures and entitlements were confirmed in writing to employees.

Other issues included in the discussions but not yet concluded are as follows:

- Contractual / non contractual overtime

- Flexible working linked to previous Xmas Depot shutdown arrangements
- 4 day working week - Street Lighting operatives.

Further meetings will be arranged to progress these issues.

Information relating to the termination of the above local agreements has been shared with Bidders. Birmingham City Council will advise Bidders informed of implementation dates for all changes/planned changes to the terms and conditions of employees.

The workforce information contained in the Data Room, and subsequently supplied to Bidders, reflects the position post pay and grading implementation.

4.2.2 Pay and Grading – Appeals:

As a consequence of the introduction of the new pay and grading structure and employee package a number of employees have seen a reduction in grade/salary and have submitted documentation to appeal the outcome of the evaluation process.

Birmingham City Council is processing appeals as quickly as possible however a number of appeals are still outstanding and information had been included in the workforce information to indicate the posts which are currently awaiting decision.

The appeals information is included for information only and Bidders are requested to use the pre appeal grade and salary information included in Section 1.4 of the workforce information as the basis for their tender submission.

4.2.3 Appeals - Outcome

Clause 57 (TUPE) of the Project Agreement sets out the position in respect of appeals by Transferring Employees against the outcome of the pay and grading review (clause 57.3.7).

4.2.4 Appeals - Changes to Rates of Pay

If the outcome of such an appeal is to change the pay rates or benefits of Transferring Employees, whether or not that outcome is before on or after the Service Commencement Date, then the provision for dealing with changes in employment costs in clause 57.3.2 is triggered.

4.2.5 Appeals - Changes to Unitary Charge

Clause 57.3.2.5 makes express provision for there to be a corresponding adjustment to the Annual Unitary Charge where there is a difference between the information in the First Employee List and the Final Employee List or on account of inaccuracies from the information contained in the First Employee List and the Final Employee List. Therefore if the outcome of appeals changes the Remuneration Costs identified in the First Employee List or Final Employee List then the mechanism in clause 57.3.2 will be activated.

4.3 Street Services Division:

The Authority is currently developing a Street Services Division to manage the PFI contract. When development of the Street Services Division is complete and necessary internal approvals have been obtained the structure will be shared with Bidders.

4.3.1. Street Services Division – Recruitment:

All posts within the newly developed Street Services Division will be subject to the Authority's competitive recruitment and selection process. Some staff who currently work within the scope of the PFI may be interested in the advertised posts and, due the openness of Birmingham City Council's recruitment process, will not be excluded from applying.

The Authority will advise Bidders at the earliest opportunity of any employees currently in post within the scope of the PFI project who are successful in applying for a post in the new Street Services Division structure.

4.4 Third Party Contractors:

The Authority has made every endeavour to keep contractors informed of progress in the PFI project and invite them to identify any posts which may be subject to 3rd party TUPE transfer. The Authority has contacted 19 contractors and has received 7 responses.

4.4.1 3rd Party TUPE: Potential Transfer:

Two contractors have identified staff, 24 in total, who may potentially be subject to 3rd party transfer. However neither contractor has confirmed staff numbers or submitted employee terms and conditions as they do not wish to exercise a transfer option at this time.

4.4.2 Third Party Transfer Responses:

Information detailing the contractors who have been approached for information, together with responses received, has been included in the workforce information and has also been shared with Bidders.

4.4.3 Tree Contractor:

The Authority has recently announced it's intention to award a new tree contract to commence early 2009. Information relating to staff employed on the new contract will be sought and provided to Bidders as the earliest opportunity.

4.4.4 Relevant 3rd Party Information:

The Authority will continue to make efforts to identify any relevant posts which may be subject to a 3rd party transfer.

4.5 Indirect Support Services:

In addition to posts providing direct services within the scope of the PFI project, the Authority is in the process of identifying a number of posts that indirectly contribute to the delivery of those services i.e. human resources, finance, payroll etc.

4.5.1 Analysis:

Analysis is ongoing to identify posts within the indirect support functions to which any transfer of function could apply. However as the number of posts involved are not significant, potential for approximately 10 posts, the Authority proposes to implement an in-house solution wherever possible and therefore information relating to indirect support services has not been included in the workforce information shared with Bidders. The Authority would however support an individual's right to transfer should that be the individual's preference.

4.6 Contact Centre:

The Authority has developed a strand of its Business Transformation programme, Customer First, and established a Corporate Contact Centre which is being implemented in phases.

4.6.1 Highways Enquiries:

A number of posts which currently deal with Highway enquiries have been identified as part of the Business Transformation proposals and will be transferred to the Corporate Contact Centre prior to implementation of the PFI contract. These posts have been identified in the workforce information and this information has been shared with Bidders.