

LCJTU
Leicester City
Joint Trade Union Side

UNISON
T&G
UCATT

GMB
NATFHE
AEEU/AMICUS

Response to Cabinet Report 11th December 2006 in relation to proposals for The Highfields Centre

Option 1

The joint position of the union side was that this option was not favoured. It does not, in fact, represent the "status quo" and would require the dismantling of the existing form of community governance.

Option 2

The joint position of the union side was that this probably represented the only practical workable way forward. However, if any option was to "second" staff to a Strategic Management Board or the Highfields Community Association, then we would wish to remind Cabinet of the recent House of Lords ruling in *Celtec v Astley*, the consequence of which is, in circumstances where Transfer Under Protection of Employment (TUPE) applies, a TUPE transfer of staff occurs whether or not the parties agree to some other arrangements in an attempt to prevent this. UNISON would submit that no organisation external to Leicester City Council is in a position to employ the staff currently based at Highfields Community Centre.

Option 3

UNISON stated that it would resist the transfer of any staff in the absence of TUPE Plus. The unions past experiences involving Council staff whose employment had been transferred to voluntary organisations had not been happy ones.

UCU and GMB fully supported the UNISON position. It was opposed to any transfer of staff away from the Council. Staff faced with this possibility should be given the option to transfer/be redeployed within the Council if they did not want to transfer out. The Highfields Centre is already subject to a form of community governance; the issue is whether its level is appropriate and satisfactory for both parties. As the revenue implications would be likely to impact adversely upon the Children and Young People's Services Department, the Corporate Director should be involved.

The joint position of the union side was that the community governance option was not one that could be supported. Any attempt to adopt this option would be met with implacable opposition. The employee issues needed to be highlighted to elected members.

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UCU

Steve Barney
GMB

Gary Garner
UNISON