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## Joint briefing for ex Learning and Skills Council (LSC) Staff Transferred to Local Authorities

January 2011

**Circulation:** This briefing has been distributed to all ex-PCS members who were transferred from the Learning and Skills Council (LSC) to local authorities on 1 April 2010, UNISON local government branches, relevant UNISON national officers and UNISON Regional Offices.

### **Civil Service Compensation Scheme (CSCS) – Voluntary and Compulsory Redundancy**

Members will be aware that changes to CSCS as a result of the Superannuation Act 2010 (Repeal of Limits on Compensation) Order 2010 came into effect on 22 December 2010. Although PCS continues to oppose the new scheme (updates on the new scheme and the campaign can be found at [www.pcs.org.uk](http://www.pcs.org.uk)). We believe it does offer an important protection for those staff who were transferred from the Learning and Skills Council (LSC) to local authorities on 1 April 2010. PCS's view is that, if a local authority seeks to make an ex-LSC member of staff compulsorily redundant, then the local authority **must first offer voluntary severance on CSCS terms.**

The Local Government Association (LGA) has also recognised this, and on 31 December 2010, the LGA issued an e-mail including the following statement:

'When deciding on compensation awards to be paid to those staff who, on 1 April 2010, were transferred from the Learning and Skills Council and who are to be made redundant (voluntarily or compulsorily), authorities will need to consider any legal protections applying to those staff and the impact of the new CSCS terms. Authorities may need to take their own legal and actuarial advice'.

Additionally, the LGA state that, if the day of notice of redundancy is issued is on or after 22 December, then the new CSCS terms will apply. Therefore members who had already received Notices of being at risk of redundancy prior to 22 December then the previous CSCS scheme would apply.

Some members who transferred to local authorities will have retained contractual redundancy terms from a Training and Enterprise Council (TEC) when they were subject to a TUPE transfer to the LSC in 2001. These terms remain contractual unless and until you agree any changes to your terms and conditions (see 'Harmonisation and Single Status' below).

We also believe that any member who would be better off if they took redundancy on the terms of their local authority, then they should still be able to do so.

Finally transferred members will have received an email from the LGA issued on 17 December which included documents issued by the Cabinet Office on the new CSCS scheme, a briefing note to Civil Service HR directors and the process for managing estimates under the scheme. UNISON will ensure these documents are available on the UNISON website. <http://www.unison.org.uk/localgov/lcspcs.asp>

### **Selection for Redundancy**

A local authority cannot single out ex-LSC staff for redundancy on the basis that the funding for these staff has been reduced and the ring fencing removed. The local authority must have an open and transparent policy which is compliant with legislation. This policy will have been agreed with UNISON and other relevant trade unions which are recognised by the local authority. Your UNISON branch will be able to provide details of the policy of your local authority.

UNISON has a developed guidance for its branches on redundancies which can be accessed via <http://www.unison.org.uk/localgov/redundancies/guide.asp>

### **Harmonisation and Single Status**

LSC staff who transferred to local authorities retain their LSC contractual terms and conditions. These include pay and job descriptions. The Q&A on the React website makes it clear that a local authority cannot simply change your terms and conditions without consultation (see <http://www.lga.gov.uk/lga/aio/7096055>, page 3 'Harmonisation').

'Any proposals for harmonisation would be subject to full statutory consultation with the individuals affected and any relevant trade unions. Any changes to terms and conditions would have to be by agreement or the local authority would have to terminate existing contracts and offer new ones, which might amount to an unfair dismissal. The costs of implementing any changes would need to be met by the local authority concerned'.

This does not mean that local authorities cannot seek to harmonise, but makes it clear that your terms and conditions cannot be changed without consultation and that there are risks to the local authority. The extraordinary React bulletin of 6 August 2010 is attached, link is <http://www.lga.gov.uk/lga/aio/12933665> - this emphasises that local authorities should tread with caution.

If the local authority seeks to change your terms and conditions, then you should seek advice from your UNISON branch urgently.

### **Taking up employment with certain bodies following redundancy**

If you are taking redundancy from a local authority, then you will need to be aware that taking up employment with certain bodies within 4 weeks of the date of redundancy carries the risk that you may not be entitled to a redundancy payment. Schedule 2 of the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 gives further details, but you are recommended to seek advice from your UNISON branch if you are considering applying for jobs with other public sector bodies.

## **Joint PCS and UNISON working**

PCS and UNISON have worked together to support members who transferred from the LSC to local authorities. Joint membership ended on 31 December. PCS will continue to support UNISON in matters related to CSCS, but your first point of contact will now be your local UNISON branch. If you do not have details of your local branch/representative, then you should contact Lucille Thirlby [L.Thirlby@unison.co.uk](mailto:L.Thirlby@unison.co.uk).