

Our ref:

Your ref:

When telephoning please ask for:

**Cllr Paul Kelly**  
Deputy Leader  
North Lanarkshire Council  
Windmillhill Street  
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4<sup>th</sup> December 2018

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Dear Paul,

Thank you for making the time earlier today to discuss the CLD restructure proposals that have now been published on MARS.

As I indicated at that meeting UNISON have a number of serious concerns regarding the proposals outlined. The paper outlines only options to cut one of the councils most valued services, at the expense of many existing jobs, without any evidence to demonstrate alternatives considered or other ways of providing the service which might have mitigated against the impact on both service users and existing employees.

The importance of this service to the local community cannot be over-stated. North Lanarkshire is one of the most severely deprived areas of the country, where 4 in 10 young people are living in deprivation, where 13.6% of 16-64 year olds have no qualification and unemployment stands at 4.4% of the population. We would argue that this is a time for the council to be investing in this service rather than cutting it.

In advance of the meeting of the Policy and Resources Committee on Thursday 6<sup>th</sup> December I would be grateful if you would address the following issues/questions:

- Mitigation – please outline measures the council has taken to mitigate against these cuts. What other options, if any, have been considered? All the options outlined involve cuts – it appears the only considerations being put before the committee relate to where and how hard the axe falls rather than whether it should be used at all.
- Independent Review of the service – why has an independent review of the service not been undertaken so that alternative organisational models could be considered? Other models of delivery surely existing in other local authorities across Scotland – why have examples of best practice not been shared or taken into consideration?
- Has voluntary severance been considered? The paper does not indicate that it has.
- If insufficient numbers of existing employees indicate a desire to leave the service voluntarily, and the council fails to redeploy them to suitable alternative work, what are their options? I would remind you that the council have previously committed to the Trade Unions that they will abide by a



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no-compulsory redundancy policy. I do not expect there to be a change to that commitment and we would have serious concerns if there was any proposal to do so.

- The Education (Scotland) Act 2015 confers on the Council a duty to secure 'adequate' and 'sufficient' provision of CLD services – can you explain how these proposals fulfil that requirement?
- The Community Learning and Development (Scotland) Regulations 2013 require the Education authority to maintain and facilitate a process of assessing needs and priorities for CLD, to identify whether these are being met and publish a plan every three years detailing what the council and key partners are doing to provide CLD services - can you explain how the council have assessed these needs as part of this review, how these will be met by the revised structures and provide us with a copy of the last plan to deliver these needs?
- A number of the proposals refer to a separate programme of work within the council, Digital NL – can you clarify whether the reductions outlined in these proposals are separate and additional to those anticipated by Digital NL or whether these form part of the anticipated reductions identified by that piece of work?
- You stated that you hoped that opportunities presented by the Community Investment Fund might provide for growth to the service in the future – can you explain why these opportunities cannot be realised now or why the restructure cannot be held off until such time as those opportunities can be realised? It would seem illogical to proceed with cutting a service only for those cuts to be reversed some months later.
- One of the proposals relates to a post which is currently managed within the wider context of the requirements of the European Social Fund – can you explain whether provision has been made to account for the potential cutting of that funding stream post-Brexit?
- Can you provide a 'before' and 'after' structural chart so that we can better understand where people sit at the moment compared to where they will sit in the revised structure?
- Can you confirm whether the council is currently carrying an under-spend to its budget and if so whether and why this has not been utilised to offset the cuts proposed in this paper?
- If the proposals are adopted by the Policy and Resources Committee on Thursday 6<sup>th</sup> December can you outline the proposal timescales for change going forward and how the trade unions will be consulted as part of that process?
- I have to put the council on notice of UNISON's view is that the proposals placed before the committee do not address, far less meet, requirements of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, and are therefore potentially unlawful. Similar concerns apply to the Fairer Scotland Duty.

In both instances, the general duty is to have due regard to issues of inequality and/or the need to tackle socio-economic disadvantage. No relevant impact assessments have been undertaken or provided to the committee as part of this report. Councillors, therefore, cannot know the general impact of the service cuts, or the specific impact on groups protected under the Equality Act. In asking the committee to take a decision absent the relevant impact assessment the officers are

inviting the committee to have no regard for issues of inequality. To make such a decision would be unlawful.

It is well established, in law, that a key component of "due regard for equality" is consultation with the service users who face the adverse impact of the decision. In addition to the Equality Act requirement for consultation, the level of community consultation required in Scotland is set down in the Community Empowerment (Scotland) Act 2015. The Act compliments the binding obligations of the Equality Act by making it clear that communities should be engaged in decisions on the funding of local services, particularly when those services are targeted at communities facing social and economic disadvantage. The measures expected are laid out in the National Standards for Community Engagement. Suffice to say the report and recommendations placed before elected members take no account of these standards.

The practical effect of these omissions is very serious. Councillors have been denied relevant data on the profile of the service users affected, the various adverse impacts that could arise on grounds of gender, race, religion, disability etc. Crucially the views of those disadvantaged groups have not been heard. Consequently, elected members are being asked to make a vital decision without the essential information required to enable them to have due regard for equalities, as they are legally obliged to do.

These omissions affect the core, substantive decision about whether to make cuts, but they also affect the question about mitigating the adverse impact should one option be preferred over another. For the council to make a decision to favour Option A over Option B for example, it is essential (mandatory) that elected members have basic evidence AND community views, on the adverse equality impact of one option as compared to another. Furthermore, councillors should have regard for the scope for the harm of Option A to be mitigated as opposed to the comparable scope under for mitigation under Option B. None of that is possible without prior impact assessment AND community consultation.

Absent this essential information, the council simply cannot proceed with the decision as presented by officers.

I look forward to hearing from you.

Best wishes,



Johanna Baxter  
Regional Officer, UNISON