



CALL-IN SUB COMMITTEE
TUESDAY 22 SEPTEMBER 2009
7.30 PM

SUB-COMMITTEE AGENDA (SCRUTINY)

**COUNCIL CHAMBER,
HARROW CIVIC CENTRE**

MEMBERSHIP (Quorum 3)

Chairman: Councillor Anthony Seymour

Councillors:

**Stanley Sheinwald
Mark Versallion**

**B E Gate
Mitzi Green**

Reserve Members:

1. Janet Mote
2. Mrs Lurline Champagne
3. Dinesh Solanki
4. Narinder Singh Mudhar
5. Julia Merison

1. Jerry Miles
2. Graham Henson
3. Asad Omar
4. Mrinal Choudhury

**Issued by the Legal Services Section,
Legal and Governance Services Department**

**Contact: Nilum Rayat, Acting Democratic Services Officer
Tel: 020 8424 1265 E-mail: nilum.rayat@harrow.gov.uk**

***NOTE FOR THOSE ATTENDING THE MEETING:
IF YOU WISH TO DISPOSE OF THIS AGENDA, PLEASE LEAVE IT BEHIND AFTER THE MEETING.
IT WILL BE COLLECTED FOR RECYCLING.***

HARROW COUNCIL

CALL-IN SUB COMMITTEE

TUESDAY 22 SEPTEMBER 2009

AGENDA - PART I

1. **Attendance by Reserve Members:**

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

2. **Appointment of Vice-Chairman:**

To appoint a Vice-Chairman for the Municipal Year 2009/10.

3. **Declarations of Interest:**

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Sub Committee;
- (b) all other Members present in any part of the room or chamber.

4. **Minutes:** (Pages 1 - 4)

That the minutes of the meeting held on 30 July 2009 be taken as read and signed as a correct record.

5. **Call-in of the Decision of the Portfolio Holder Decision Meeting on 3 September 2009 : Learning and Development:** (Pages 5 - 34)

The following documents are attached:-

- a) Notice Invoking the Call-in
- b) Minutes of the Portfolio Holder Decision meeting held on 3 September 2009
- c) Report submitted to the Portfolio Holder Decision meeting held on 3 September 2009

6. **Exclusion of the Press and Public:**

To resolve that the press and public be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of confidential information in breach of an obligation of confidence, or of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972:

<u>Agenda Item No</u>	<u>Title</u>	<u>Description of Exempt Information</u>
5	Learning and Development	Information under paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, relating to the financial or business affairs of any particular person (including the authority holding that information).

AGENDA - PART II

7. **Learning and Development:** (Pages 35 - 88)

Appendix to the report of the Director of Business Transformation and Customer Service.

Local Government (Access to Information) Act 1985

In accordance with the Local Government (Access to Information Act 1985, this meeting is being called with less than 5 clear working days' notice by virtue of the special circumstances and grounds for urgency stated below:-

Special Circumstances/Grounds for Urgency

Under Overview and Scrutiny Procedure Rule 22 a meeting of the Call-in Sub-Committee must be held within 7 clear working days of the receipt of a request for call-in. This meeting therefore had to be arranged at very short notice and it was not possible for the agenda to be published 5 clear working days prior to the meeting.

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CALL-IN SUB COMMITTEE

30 JULY 2009

Chairman: * Councillor Anthony Seymour

Councillors: † B E Gate * Stanley Sheinwald
* Mitzi Green * Dinesh Solanki (3)

* Denotes Member present
(3) Denotes category of Reserve Member
† Denotes apologies received

[Notes: Councillor Susan Hall attended this meeting to speak on the item indicated at Minute 4 below.

Councillors Julia Merison, John Nickolay and Bill Stephenson also attended].

PART I - RECOMMENDATIONS - NIL

PART II - MINUTES

40. **Attendance by Reserve Members:**

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members:-

<u>Ordinary Member</u>	<u>Reserve Member</u>
Councillor Mark Versallion	Councillor Dinesh Solanki

41. **Declarations of Interest:**

RESOLVED: To note that the following interests were declared:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
4. West Harrow Area – Proposed CPZ	Councillor Julia Merison	Personal interest as a West Harrow Councillor.

42. **Minutes:**

RESOLVED: That the minutes of the meeting held on 7 April 2009, be taken as read and signed as a correct record.

43. **West Harrow Area Proposed CPZ:**

Prior to the commencement of the consideration of the Call-In matter, the Chairman advised that the Portfolio Holder for Environment Services & Community Safety was in attendance at the Sub-Committee to respond to the call-in as part of the requirement of that process.

The Portfolio Holder for Environment Services & Community Safety had agreed a decision in relation to the Proposed West Harrow Area Controlled Parking Zone (CPZ) – Results of Public Consultation. A Call-In Notice calling in the decision had been subsequently received, signed by more than 150 members of the public and the decision had therefore been referred to this Sub-Committee for consideration.

The Sub-Committee received the notice invoking the call-in procedure, the report of the Corporate Director of Community & Environment submitted to the Portfolio Holder and the relevant Decision Notice.

The decision had been called-in on four grounds:

- inadequate consultation with stakeholders;
- absence of adequate evidence upon which to base a decision;
- decision contrary to the Policy Framework;
- potential human rights challenge.

The Chairman, after outlining the procedure to be followed at the meeting, noted the submission of additional information by the West Harrow Residents Group. The Sub-Committee agreed the information be considered and adjourned from 7.40 pm to 7.50 pm to allow members to consider the content of the additional papers.

Upon reconvening the meeting the Chairman invited Nick Goodhart to speak on behalf of the signatories. Mr Goodhart addressed each of the points raised within the Call In Notice outlining the concerns the West Harrow Residents Group had with regard to each and where they felt failures had occurred to the process followed to date.

Mr Goodhart referred to the consultation documents circulated stating that he considered these to not fully set out the implications of the proposed CPZ, together with the implications of the loss of parking spaces that would result. He further expressed the view that he did not believe all persons affected had been consulted and in referring to the evidence presented by officers noted the admission of discrepancies, stating that this demonstrated the decision had been made prior to the full evidence being available. He referred to the policy framework and human rights elements of the Call In Notice setting out how he believed these had been contravened. Mr Goodhart concluded by requesting the sub-committee to approve the reasons for Call In of the decision and to request that the matter be referred for consideration by the full Council.

Upon being invited to respond, the Portfolio Holder for Environment Services & Community Safety advised that the process leading to her decision had been underway for some considerable time and had included reports to Transport and Road Safety Advisory Panel. The purpose of considering CPZ's arose when an area was identified as experiencing issues with parking. The process undertaken most recently had been an informal consultation process to seek the views of the affected residents and businesses in respect of whether they would wish such a zone to be introduced. The cluster effect identifying two specific zones had been reached as a result of the responses which identified those lengths of road where there was majority support for a CPZ, from those who did not support the proposal. Arising from this she had agreed the decision to undertake statutory consultation to ask residents whether they would wish to see introduced a CPZ introduced.

The Portfolio Holder advised that she recognised the solutions offered by CPZ's were not always welcomed by all parties but, in considering the introduction of such it was always the intention to support those people who wanted a CPZ, whilst respecting the views of those people who did not want a CPZ in their road. She further noted that any statutory consultation process could result in a CPZ not being favoured by the majority of affected residents etc and that in such instances it was not her intention to impose these.

The Portfolio Holder advised that the decision related to the outcomes from the informal consultation and related proposals progressing to a statutory consultation process in respect of the proposals, prior to any final decision being made with regard to a West Harrow CPZ.

In response to questions from Members of the Sub-Committee, clarification was provided on the following issues by the signatories:

- they were aware the call in requested related to an informal consultation process
- they believed that the proposed CPZ process did not achieve value for money and that the system should be revisited by officers, in association with residents, to identify alternative parking solutions;
- they wished the current process to be put on hold to find alternative ways forward and noted that to date no Member had approached them with regard to gaining their ideas on alternatives;
- they believed the consultation process to be inadequate as the information in relation to the initial stakeholders meeting was not sent to all parties and the circulated brochure was, in their view, misleading;

In response to questions from Members of the Sub-Committee, clarification was provided on the following issues by the Portfolio Holder:

- clarified the signatories to the petition in respect of the call in notice;
- the "YES" responses had been double checked to ensure accuracy as part of the process;

- the consultation process had followed the Council's standard pro forma in relation to CPZ's;
- in terms of the discrepancies raised she regarded the consultation responses as a living document that was constantly updating to better inform views;
- documentation had been delivered to 100% of the identified area;
- a meeting had been arranged with representatives of West Harrow Residents Group on 28th July at the residents request but, this had been cancelled by the Group on 26th July, with a subsequent request to rearrange it;
- the issue would have to be part of a future decision making process after a statutory consultation had been undertaken which would inform the decision making at that time.

The Chairman thanked Nick Goodhart and the Portfolio Holder for their attendance.

(The Sub-Committee then adjourned from 8.55 pm – 9.38 pm to receive legal advice).

Members of the Sub-Committee, having considered all the evidence, summarised their individual views relating to the grounds for call-in, noting that:

- on grounds one (inadequate consultation with stakeholders) and two (absence of adequate evidence upon which to base a decision) Members expressed various views both supporting and opposing the stated grounds.
- on ground three (decision contrary to the Policy Framework) it was the opinion of the Sub-Committee, following legal advice, that there was insufficient evidence to support the validity of the challenge.
- on ground four (potential human rights challenge) it was the opinion of the Sub-Committee, following legal advice, that there was insufficient evidence to support the validity of the challenge.

On being put to the vote, the majority decision was that the Call In was not proven on the stated grounds.

RESOLVED: That the challenge to the decision be taken no further and the decision may be implemented.

(Note: The meeting having commenced at 7.30 pm, closed at 9.56 pm)

(Signed) COUNCILLOR ANTHONY SEYMOUR
Chairman

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To be completed by Members of the Public, as per the provisions of Overview and Scrutiny Procedure Rule 22.2(b).

To: The Director of Legal and Governance Services

1. NOTICE OF CALL-IN OF EXECUTIVE DECISION

In accordance with Overview and Scrutiny Procedure Rule 22, we, the 150 signatories to this call-in notice (see numbered continuation sheets overleaf), being members of the public registered on the electoral roll of the London Borough of Harrow, hereby give notice that we wish to call-in the Executive decision detailed in section 2 below.

2. DETAILS OF EXECUTIVE DECISION

The details of the Executive decision are as follows:-

Decision: *That the Learning and Development Project be approved to proceed in line with its Business Case.*

Made by: *P. OSBORN Cllr*
(Cabinet/relevant Portfolio Holder)

Published On: *Wednesday 9 September 2009*
(Date)

3. GROUND'S FOR CALL-IN - *Please see 'Grands for Call-in Notice' dated Tuesday 15 September 2009*

(Please specify below the grounds for the call-in, in accordance with Overview and Scrutiny Procedure Rule 22.5. Please note that, in the event that this call-in is referred to the Call-in Sub-Committee, the considerations of the Sub-Committee will focus on the grounds stated, and the Sub-Committee will seek evidence to support them. Please therefore also set out below details of the evidence to support the grounds for call-in, continuing on a separate sheet if necessary)

a)
b) the absence of adequate evidence on which to base a decision (failure to seek other options in procuring services)

d) The action is not proportionate to the desired out come

f) insufficient consideration of legal and financial advice

Once completed, please forward this form to Miriam Wearing in Room 143, Civic Centre or send it by fax to 020 8424 1557 WITHIN 5 CLEAR WORKING DAYS OF THE DATE OF PUBLICATION OF THE DECISION.



Harrow L.G. Branch
The UNISON Office
Central Depot, Forward Drive
Harrow, Middlesex
HA3 8NT
Tel: 020 8424 1795
Fax: 020 8424 1835

Email: info@harrow-unison.org.uk

Branch Secretary: Gary Martin

Tuesday 15 September 2009

Grounds for Call-in Notice

Decision: That the Learning and Development Project be approved to proceed in line with its Business Case.

Reason: The contract with Capita will reduce costs whilst maintaining excellent service and contribute to an improvement in our use of resources.

Made by: Cllr Paul Osborn, Portfolio Holder for Performance, Communications and Corporate Services

Published On: Wednesday 9 September 2009

This document, entitled 'Grounds for Call-in Notice' dated Tuesday 15 September 2009 from the Harrow UNISON LG Branch, is in accordance with the Overview and Scrutiny Procedure Rule 22 and should be considered alongside the 150 signatories attached and delivered by hand to the Legal and Governance Service on the 15 September 2009.

In accordance with Overview and Scrutiny Procedure Rule 22.5, the below contains the grounds for call-in and states the evidence in support of this call-in which UNISON can provide upon request.

- 22.5. (a) Inadequate consultation with stakeholders prior to the decision;**
and
(f) Insufficient consideration of legal and financial advice;

The Council did not take adequate consideration of its public sector equality duties during the agreed timescales of the consultation process. UNISON requested on the 11 August 2009 (within its Response to the Full Business Case) that an Equality Impact Assessment (EIA) be conducted which should have adequately taken into account the impact this decision has in terms of equality on staff. A hastily prepared EIA was prepared on the 20 August 2009 outside and after the agreed consultation closing date on the 17 August 2009. Harrow Council and the responsible officer in charge failed to meet the requirements of the consultation process where major changes to service delivery provision, disadvantages in terms of equality on our members and possible transfer of staff are envisaged. A submission to the Chair of the Overview and Scrutiny Committee was made by UNISON on the 27 August 2009 regarding this matter. The Chairman suggested in a response dated the 2 September 2009 that we utilise the Call-in procedure.

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(b) The absence of adequate evidence on which to base a decision;

The Council within its Full Business Cases and in its resulting decision have inadequately taken into account any option other than the Capita proposal, as indicated within the UNISON response (dated the 11 August 2009). It did not adequately explore the development of the in-house option which could have provided a source of income for the Council in delivering this excellent service to other neighbouring boroughs (Shared Services). UNISON believe that this does not constitute a fair options appraisal process and best practice in the undertaking of a decision to outsource a high performing in-house service.

(d) The action is not proportionate to the desired outcome;

The projected savings attributed to the decision are less than as stated in the FBC at £94k. The savings UNISON believe are dubious if not exaggerated and are far outweighed by the hidden costs if the Council implement this model. More importantly, the decision will result in the likely redundancy and loss of three jobs within the Learning & Development Service. Furthermore, the FBC does not incorporate the expected redundancy costs, estimated to be around £50k with add on costs to the Borough. Topped with the hidden costs and redundancy costs, the ten year savings of £94k will be virtually wiped out. This decision is vastly disproportionate to the desired outcome and requires further review if not repeal. UNISON therefore request that an independent scrutiny of the proposed savings is undertaken to correctly define the actual figures involved because as has been stated savings differ substantially from document to document.

Harrow UNISON Local Government Branch.

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PORTFOLIO HOLDER DECISION MEETING

3 SEPTEMBER 2009

Chairman: * Councillor Paul Osborn

* Denotes Member present

[Note: Councillors Bill Stephenson and Narinder Singh Mudhar also attended this meeting to speak on the item indicated at Minute 114 below].

PART I - RECOMMENDATIONS - NIL**PART II - MINUTES**

109. **Declarations of Interest and Declarations of Any Dispensations Granted by the Standards Committee:**

RESOLVED: To note that (1) there were no declarations of interests made by the Member in relation to the business to be transacted at this meeting;

(2) there were no declarations of any dispensations granted by the Standards Committee in relation to the business to be transacted at this meeting.

110. **Petitions:**

RESOLVED: To note that no petitions had been received.

111. **Public Questions:**

RESOLVED: To note that there were no public questions to be received at the meeting under the provisions of Executive Procedure Rule 16 (Part 4D of the Constitution).

112. **Matters referred to the Executive Member:**

RESOLVED: To note that no matters had been referred to the Executive Member for reconsideration in accordance with the provisions contained in the Overview and Scrutiny Committee Procedure Rule 22 (Part 4F of the Council's Constitution).

113. **Reports from the Overview and Scrutiny Committee or Sub-Committees:**

RESOLVED: To note that no reports had been received.

114. **Key Decision: Learning and Development:**

The Portfolio Holder for Performance, Communications and Corporate Services considered a report of the Director of Business Transformation and Customer Service, together with a confidential appendix, which summarised the case for outsourcing the provision of the Learning and Development Service.

The Portfolio Holder welcomed Members and Harrow Unison Branch representatives to the meeting and stated that, exceptionally, on this occasion, he would allow representatives from the Harrow Unison Branch to address the meeting. Additionally, in accordance with Executive Procedure Rule 25.5, 'Who may Speak', the Portfolio Holder invited Members present at the meeting to speak.

An officer introduced the report and drew attention to the confidential appendix, which set out the full business case for the outsourcing of the Learning and Development Managed Service. He confirmed that the Business Transformation Project Partnership Board Members had previously approved the proposal, which now needed urgent approval if the timescales and benefits set out in the full business case were to be achieved.

The Divisional Director of Human Resources and Development outlined the reasons for the proposed change in service provision and the benefits that would accrue. He stated that whilst the existing staff provided an efficient service, the benefits of the proposal outweighed current service provision as it allowed for more effective monitoring and online access.

The Divisional Director referred to the letter from Unison appended to the report. He stated that the issues raised by Unison had been addressed, details of which were set out in the report, and that the proposal would provide value for money.

Unison representatives asked questions on the extent of the liability involved. They were of the view that the Council had not met its legal obligation in respect of the equalities impact assessment, which had been undertaken in haste. Moreover, there were no guarantees that the proposal would not lead to redundancies. The report did not provide a fair view of the existing service and how it could be provided in a better way. The option of providing the service in-house had not been considered fully.

In response, the Divisional Director acknowledged that the equalities impact assessment could have been carried out earlier but stated that reasonable time had been given for comments. The comments provided by staff had been incorporated. All statutory requirements had been met and staff had been kept informed and consulted. The Council would welcome joint working with Unison on any issues. Alternative options had been discussed and their viability tested. The Council was of the view that there was not a more cost effective way of accessing the technology that the proposal, if approved, would provide. The issue of liability should be addressed during the implementation stage.

The Portfolio Holder stated that, where possible, the Council would fully examine alternative options. He explained that service delivery had been a key factor as to why the Council had moved towards the proposed option. He suggested that, in future, mechanisms should be put in place to allow for earlier discussions with Unison, the Business Transformation Project Partnership Board, opposition groups and Portfolio Holder assistants with a view to exploring all options including in-house provision of services for other projects.

A Member, who supported the proposal, and considered it to be leading edge, was of the view that the Council ought to have ownership of the contract and market it to other boroughs in the future instead. This element needed to be explored further as part of the business case, as it would provide a better return in the long term. He was also of the view that the 'options review' proposed at the end of the fourth year of the contract should be undertaken earlier. In response, the Divisional Director and the Portfolio Holder stated that it would take significant time and resources for the Council to generate a market as suggested by the Member but that this suggestion had been discussed. The Portfolio Holder added that he was not convinced that the Council had sufficient resources to develop a business case.

Another Member asked questions relating to system integration and enquired about the robustness of the proposal. The Divisional Director stated that all systems were generally tested and parameters set before they went live. The system in question was in working order and tests would be carried out on it once it had been integrated.

The Portfolio Holder stated that he was minded to approve the proposal and gave assurances that the options available on future projects would be explored fully.

RESOLVED: That (1) the Learning and Development Project be approved to proceed in line with its Business Case;

(2) mechanisms be put in place to allow options on future projects to be explored more widely at an earlier stage.

Reasons for Decision: To (1) reduce costs whilst maintaining an excellent service; (2) contribute to an improvement in the use of resources; (3) ensure value for money and appropriate engagement with stakeholders.

(Note: The meeting having commenced at 5.03 pm, closed at 6.14 pm)

(Signed) COUNCILLOR PAUL OSBORN
Chairman

Ref PHD: 026/09

Subject:	Learning and Development
Responsible Officer:	Carol Cutler Director of Business Transformation and Customer Service
Portfolio Holder:	Paul Osborn, Portfolio Holder for Performance, Communications and Corporate Services
Key Decision:	Yes
Urgent/Non Urgent:	Urgent
Power to be exercised:	Part 3A of the Constitution, Terms of Reference of Portfolio Holder for Performance, Communications and Corporate Services
Exempt:	No (except for appendix A, exempt information under paragraph 3 of part 1 of schedule 12A of the Local Government Act 1971(as amended))
Enclosures:	<ul style="list-style-type: none">• Learning and Development FBC (Part 2)• Equalities Impact Assessment• Letter from UNISON

Section 1 – Summary and Recommendations

Recommendations:

That the Learning and Development Project be approved to proceed in line with its Business Case.

Reason:

The contract with Capita will reduce costs whilst maintaining excellent service and contribute to an improvement in our use of resources.

Section 2 – Report

2.1 Introduction

This report summarises the case for outsourcing the provision of the Learning and Development service. It has been developed as part of the Business Transformation Partnership and has therefore been subject to an Outline and Full Business Case (see Appendix A).

In November 2008, CSB considered an Outline Business Case to introduce a Learning and Development (L&D) managed service to cover the 'corporate' L&D programme. CSB agreed to proceed with a Full Business Case (FBC) despite the potential savings being relatively small.

During the development of the FBC, the Council decided to make reductions in L&D budgets and in order to mitigate the impact of the reductions, agreed that the FBC scope be revised to include all current council L&D activities.

2.2 Supporting the Corporate Strategy

It will support the 9 step plan through supporting personal development in a cost effective manner.

2.3 Options considered

Other options considered (see section 2.13 below) were:

- Continue to deliver the service as currently provided;
- Develop an 'in-house' option
- Deliver savings through a more incremental approach.

2.4 Current situation

Learning and Development is provided by the Council within the Human Resources and Development Service.

2.5 Why a change is needed

Effective implementation of the L&D Strategy & Framework relies in part on effective management and monitoring of L&D activities and related spend. The FBC sets out proposals for a L&D managed service that will enable accurate tracking of spend and deliver meaningful management information on L&D activities and spend, and support the delivery of further efficiencies.

The outsourced services will:

- Provide single point of contact for course administration management
- Deliver full visibility of all L&D spend by the Council
- Enable all learning for managers and staff to be tracked
- Introduce the capability for online booking and authorisation of courses
- Integrate with SAP for Purchase Order raise/approval
- Enhance online learning capability
- Provide access to a professional, proven L&D procurement capability

The key benefits will be:

- The Council/ Directorates will be able to track and analyse L&D spend (how much spent on what)
- The Council/ Directorates will be able to capture L&D activities and employee training records
- Existing suppliers can be maintained by the Council provided they are registered with the L&D Managed Service and can demonstrate they meet our requirements and quality standards
- Managers will be able to access Capita L&D procurement services to market test existing suppliers on a shared benefit basis
- Managers will continue to work with Council L&D Advisers to design and specify learning and development activities
- Partners and other organisations will be able to book on to shared learning and development activities through the L&D Managed Service
- Opportunity to make significant savings in the cost of training
- Introduce a standard governance structure that will give the Council full oversight on spend, and the options around any significant supplier decisions
- Introduce the established Capita L&D Contact & Administration service
- Introduce a proven system to track all bookings and spend decisions
- Integrate with SAP to ensure consistent authorisation processes
- Introduce a comprehensive MI regime to ensure stakeholders receive both high level and detailed reports on a monthly and quarterly basis with full spend and forecast analysis and with additional structured feedback on the performance of all suppliers
- Provide the Council with cost effective access to a professional L&D procurement team that will be responsible for negotiating commercial terms with identified preferred suppliers
- Work with the Council to save at least 12% in annual spend

2.6 Recommendation:

That the programme be approved to proceed in line with its agreed Business Case.

2.7 Resources, costs and risks

All costs and resource are detailed in the Full Business Case, and are for a ten year period.

A risk analysis is contained with the Full Business Case, but key risks have been highlighted as:

- need to ensure the full buy-in and support of the leadership team;
- it will take 6 months to get the new delivery model fully up and running, limiting our ability to realise cost savings in 2009;
- risk that managers/staff do not adopt the new processes (ie work outside of the system);
- risk that there are IR issues with unions;
- risk that governance around training spend is not clear/agreed.

The Council is commencing a transformation programme which will review the way all services are delivered. In order that the Council can review the service delivered and consider any alternative actions that may be required, along with the associated implications, a formal 'Options Review' will be scheduled at the end of the 4th year of the contract.

2.8 Staffing/workforce

Development and delivery of the project and new service will be provided by Capita.

The current service is delivered by the Council's Human Resources and Development Service and the proposal will result in the TUPE transfer of 3 employees who are assigned to this work. The proposals are based on the new service being delivered from Capita's Swindon operation and consequently employees who transfer will also be at risk of redundancy. The Council will seek to redeploy those staff prior to the transfer.

Relevant staff and trade unions have been fully engaged and consulted through the development of this proposal. In accordance with statutory requirements, a formal consultation process has been undertaken on the proposals for the transfer of L&D administrative services to be delivered by Capita and this closed on 17th August 2009. Appendix B is UNISON's formal response to that consultation and the issues they have raised are addressed below on a point by point basis:

1. Savings

The financial implications, including potential redundancy costs of the proposal, are set out in 2.11 of this report.

2. System Integration Costs

The technical integration has been designed to meet the requirements of the service, not as a full integration. Developing SAP to match the capabilities of CourseBooker would cost significantly more than the integration costs. It should also be noted that this approach would leave the risk with the Council. The current proposal is fixed-price, with the risk held by Capita.

The integration will not require manual input of financial data, but will enable the use of SAP SRM for training event authorisation utilising the existing 'shopping-cart' technology. We do not envisage extending this integration further.

3. A High Performing (in house) Service

In describing the current service, the Outline Business Case, stated that 'the service operates efficiently' and this has been emphasised during meetings with the staff. The business case identifies the costs and benefits, both financial and operational, of transforming the L&D administrative process. It is also important to recognise that under this proposal the Council will retain the L&D Advisory Service and Capita would only manage the administration function.

4. Service Improvement Plan

There is no underperformance issue to be addressed, the rationale for the proposed managed service is explained above and set out in the business case.

5. Alternative Proposals

- 'Learning & development as a 'centre of expertise' with a dedicated team of trained (SAP) 'super users' – SAP does not have the functionality of CourseBooker and this option would not deliver the benefits available through the introduction of CourseBooker.
- 'L&D to operate like a business in partnership with neighbouring boroughs' – This proposal does not restrict further development of partnership working. The retained L&D Advisers remain responsible for commissioning L&D for the Council and have already established links with L&D Services in other Boroughs.
- 'L&D to support being an 'Employer of Choice' by working with the community and providing an information advice and guidance service' - The retained L&D Advisory Service which includes the Information Advice & Guidance Officer will continue to be able to deliver this service under the 'matrix' accreditation. Any further development of this service would require its own business case and would be separate from the current proposal.

- 'L&D to work more closely with the colleges' - This proposal does not restrict our partnership working with local colleges. The Council's Strategic Workforce Development manager and the retained L&D Advisers remain responsible for developing and maintaining these relationships and have been successful in accessing over £800k grant funding to deliver the Learning 4 programme.

6. The People Impact

Equalities Impact is covered within 2.9 of this report. The impact on the 3 employees for whom the proposal will potentially result in a TUPE transfer is covered in 2.8 above. The social identity of these employees is known, as is the fact that the proposal will have a differential adverse impact on account of their gender ethnicity and religion. However, the proposal is justifiable on the grounds of the benefits set out above and in the business case. An Equality Impact Assessment has been carried out and a copy the draft Questionnaire / Checklist is attached at Appendix C.

7. Capita – An equal partner or promoter of interest

The Council's strategic partnership with Capita was agreed by the Council in October 2005 and was established in full consultation with UNISON. The L&D Managed Service proposal has been developed through that partnership agreement and is being considered through the appropriate Council decision making process.

2.9 Equalities impact

An Equality Impact Assessment of the proposal to transfer L&D administration to a Capita managed service has been carried out and a copy the draft Questionnaire / Checklist is attached at Appendix C.

Any changes for staff will be dealt with under the Council's Protocol for Managing Organisational Change, which has been equality impact assessed.

2.10 Legal comments

The programme has been progressed under the auspices of the Business Transformation. The effect on the staff can be justified by the full business case.

2.11 Financial Implications

The Council has reviewed the business case and compared the costs presented by Capita against the costs of delivering in house.

The benefits that the Council have signed off as being achievable are £1,417k (£225k non-cashable). After both Capita and Council costs, and discounting the non-cashable savings, this amounts to a net cost to the Council of £94k (based on MRP).

The Council has full visibility of the Financial Model based on the open book principles of the original Partnership contract. This includes full visibility of third party supplier costs and the Capita margin and overhead.

The deal as presented by the Learning and Development project is in line with the Incremental Strategic Partnership.

Benefits will be tracked using the BTP's established benefits management process involving the use of signed benefit cards, and monitored by the Director of BTP and Customer Services and the Director of Finance.

The Council intends to avoid the cost of redundancies by redeploying the affected employees. In the event that not all employees are redeployed provision has been made with the existing budget to meet the cost of any redundancy.

2.12 Environmental Impact

There will be a small reduction in the number of staff, with consequent benefits in terms of reduced CO2 emissions from travelling. However overall there will be no significant environmental impact.

2.13 Performance

Indicator	Current Performance	Impact
Value for Money Profiles	The Council currently does not have systems in place to capture the data required to report performance for Learning and Development	The improved reporting of financial and L&D management information will better enable the Council to monitor and improve performance
CAA - Use of Resources	KLOE 3.3, the workforce element of the Use of Resources assessment was not assessed in 2008/09.	The improved availability of L&D information will enable the Council to better demonstrate that it effectively aligns staff development with strategic priorities and objectives.

Section 3 - Statutory Officer Clearance

Signature:		
Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: August 2009		
Signature:		
Name: Hugh Peart	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date:		

Section 4 – Performance Officer Clearance

Signature:		
Name: Alex Dewsnap	<input checked="" type="checkbox"/>	on behalf of the* Divisional Director (Strategy and Improvement)
Date: August 2009		

Section 5 – Environmental Impact Officer Clearance

Signature: e-mail clearance		
Name: John Edwards	<input checked="" type="checkbox"/>	on behalf of the* Divisional Director (Environmental Services)
Date: 24th August 2009		

Section 6 - Contact Details and Background Papers

Background Papers:

- Full Business Case
- UNISON Response to the Proposal
- Equalities Impact Assessment

Contact: Carol Cutler, Director of Business Transformation and Customer Service,
Ext: 6701

Signature:

Position: Director of Business Transformation and Customer Service

Name (print) Carol Cutler

Date: 25th August 2009

For Portfolio Holder/Leader

- * I do agree to the decision proposed
- * I do not agree to the decision proposed
- * Please delete as appropriate

Notification of personal interests (if any):

(Note: if you have a prejudicial interest you should not take this decision)

Additional comments made by and/or options considered by the Portfolio Holder

Signature:

Portfolio Holder

Date:

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Branch Secretary: Gary Martin

To: Portfolio Holder for Performance, Communications & Corporate Services
Cabinet Members
Labour Group Leader
Officers of the Corporate Strategy Board (CSB)

Tuesday 11 August 2009

Response to the Full Business Case for Learning & Development Managed Service

Harrow UNISON LG Branch have received both the Outline Business Case (OBC) and the Full Business Case (FBC), the latter recently approved by the CSB, concerning the future operation of Harrow Council's Learning & Development (L&D) Service. UNISON Branch representatives have been in consultation with Council Officer's and Capita personnel throughout this process and most importantly have remained in close contact with its members and the staff directly affected by the proposal. This response undertakes a point by point critique of the Business Case's justification in order to influence Harrow's elected members before a final decision is taken to ensure this union and its member's views are properly taken into account.

Harrow UNISON LG Branch value itself as an important partner with Harrow Council and will continue to work together in achieving the most improved Council in London by 2012 but inevitably, as an independent organisation, we will act as a critical friend concerning processes and decisions that we do not support.

Response to the FBC

1. Savings

The projected savings attributed to the proposal over ten years, amount to only £131,000 or just over £13,000 a year which are dubious if not exaggerated. The following points suggest the potential for savings are limited because they are far outweighed by the other hidden costs of implementing this model.

Firstly, the FBC (page 12) states that it will take six months to get the delivery model up and running 'limiting our ability to realise cost savings in 2009'. Secondly, because of Council contractual commitments, savings in year 1 may be unachievable compromising the total savings predicted. Thirdly, as Capita are not going to procure services corporately on behalf of the council, such as training, without an additional charge, this will escalate costs further over the period. Finally, total costs are mounted further if the FBC were to incorporate the redundancy costs of around £50k. UNISON would like an explanation as to why Harrow's Divisional Director of HRD sanctioned the figures exclusion. All of the above costs, including those hidden costs, coupled with the money

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spent on the Business Cases (£55K) virtually wipe out the ten year savings of £131,000 making the proposal financially unviable.

2. System Integration Costs

UNISON believe the technical side of the proposal requires further development and that issues around the full integration between Capita's Course Booker system and SAP will impede service functionality/performance and further impact the financial costs of the project. UNISON also question the reliance and necessity in using Course Booker when SAP could be developed and adapted to offer on-line as well as management information thus making Capita's system completely unnecessary.

To elaborate, Capita's proposal of integration between the Course Booker system and the Council's system, SAP, is at best a very basic level requiring manual inputting of financial information, therefore separating the finance element from the learning and development element. There is an element of Management Information (MI) integration but it is not effective enough to be of great use to management in its monitoring activities. In UNISON's opinion this is not full integration and does not offer the Council value for money which is essential if Harrow is to obtain a product that fixes its current and future training needs. If Harrow wanted to improve this basic service then it would have to do so at a cost payable to Capita, as clearly stated in the FBC on page 12 e.g. "any additional requirements will be treated as change control" which implies that further integration into the financial system will lead to yet more unspecified (hidden) costs.

3. A High Performing (in-house) Service

The Capita Business Case's give no acknowledgement to the high performing and current success of the Learning & Development Service in achieving strategic and key Corporate Improvement Programmes (CIP) objectives. In comparison with other similar services across other London Councils, the L&D function is not an underperforming service. Indeed, there is a powerful body of evidence, including awards sponsored by the local government press and best practice case studies produced by the IDeA and APSE (Association for Public Service Excellence), of the quality of the cost effective and innovative services provided by in-house staff. It is not therefore, unfair to suggest that any move to outsource or hive off a high performing service such as L&D will jeopardise and significantly impact its future successes and potentially impact this Council's ability to be in the running for next year's predicted first place in the Municipal Journal Awards.

The following key achievements offer a true reflection of the high performing and innovative service L&D provide for Harrow and serves to redress the very one-sided and partial Capita assessment that was presented in its Business Case:

Recent Key Learning & Development Achievements

The Learning and Development team contribute to a range of high profile strategic programmes supporting Harrow Council's vision and key priorities including the Council Improvement Programme (CIP) and the CREATE values.

In partnership with *Harrow and Stanmore College's* on **Learning 4**, Learning and Development have currently achieved the following:

- 680 staff have gone through assessment
- 209 have already achieved an NVQ award
- 524 are currently in training towards an award

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2

- NVQ awards at levels 2 and 3 are offered in following programmes: First Line Managers (levels 3 & 4), Customer Service, Community Development, Business Administration, ITQ, Advice and Guidance, Health and Social Care, Child Care, Waste, Horticulture and Street Cleaning.

In the **Management Development Programme (MDP)** the Learning and Development team have provided the following:

- Over 200 managers enrolled on each of the seven modules
- Information for CSB reports
- Managers booking 'on-line'
- Co-ordination of the seven sets of modular workshops
- Evaluation of each module
- Attendance information to CSB

In **Induction** for monthly one day *Corporate Induction* and quarterly two day *Manager Induction* Learning and Development Co-ordinators have provided the following:

- Preparation of materials
- Co-ordination of facilitators and delegates
- Co-ordination of the one and two day programmes
- Evaluation of both programmes

In **IPADs** the Learning and Development team have provided the following:

- Series of briefings on new IPAD process
- Series of workshops for managers on IPAD skills
- Total of just under 700 people attended briefings or workshops
- Revision of IPAD forms
- Project management of introduction of refreshed IPAD forms and ran a pilot
- Monitoring of IPAD completion data

Chief Executive Directorate's successful assessment in **Investors in People (IiP)** was driven by Learning and Development team who provided the following:

- Portfolio evidence
- Meeting the evidence gaps e.g. developed learning logs
- Communicated spend summaries with managers
- Arranged and delivered briefings
- Co-ordination of assessor pre-meeting and assessment day itself
- Planning IiP assessment of Legal and Governance directorate in October 2009.

Accredited Member Development award was supported by L & D team in following ways:

- Advice and support provided to members on an on-going basis
- Liaison with accrediting body
- Portfolio of evidence compiled
- Co-ordination of pre-meeting and assessment day itself

In the **CREATE** awards, three L & D staff were nominated and two successfully achieved the award. Both successful people are L & D Co-ordinators, one of whose post is under threat from the Capita proposal.

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4. Service Improvement Plan?

Not only does the Capita FBC give no or little regard for the success of L&D, there is also no review of the team's current competitiveness or an address to any potential underperformance. Furthermore, there is also no analysis of service performance or current business processes which, even as a high performing service such as L&D, is a vital tool used to gain greater efficiencies and in making existing services more effective. Usually, prior to any decision to procure a service externally is made and before a Full Business Case is devised, a fair and objective process is undertaken which commences with a Service Review and ends with an Options Appraisal which is designed to assess competing approaches. This Appraisal process can include in-house service delivery together with other external options.

UNISON support the Service Improvement process as a tool used in accordance with the Best Value principles of Continuous Improvement in examining current performance and in identifying how to secure improvements in service delivery. However, as a Service Improvement Review has not been considered nor an Options Appraisal process, this union believes that the case to improve the in-house operation in its entirety has not been properly evaluated even though, we believe, the compelling case to retain L&D in-house may have clarity and could be a sustainable option. Harrow Council and its Business partner Capita have conducted this process on what appears to be a presumption that L&D should be outsourced, which is of course wholly subjective and is heavily weighted in favour of one particular outcome.

5. Alternative Proposals

Following on from the ethos of Service Improvement and the benefits that may be forthcoming with retaining L&D in its entirety as an in-house service, below are alternative proposals which have not been considered or explored by Harrow but are possible options which could have been produced following the Service Review and Options Appraisal process stated above;

- Learning and Development as a 'centre of expertise' with a dedicated team of trained 'super users' who can utilise SAP and disseminate knowledge and skills across the whole of HRD. This will enable the production of management information that will assist the council to monitor the L&D budget. 'Super users' would be current co-ordinators but are now directly affected by the Capita proposal.
- L&D to operate like a business unit in partnership with neighbouring boroughs for procurement to get best value for money.
- L&D to support being an 'Employer of Choice' by working with the community and providing an information, advice and guidance service to help get people back into work within the community. The L&D team are currently accredited through 'matrix' to provide this service and have experience of previous delivery. Co-ordinators could be trained up to help provide this service and funding is available from Central government through First Step.
- L&D to work more closely with the colleges and acquire grant funded money for further projects. L&D could offer a range of programmes on business lines to external partners.

6. The People Impact

As a result of the FBC and in pursuit of the minimal savings aforementioned, it is likely that three Harrow Council employees who are also local residents will lose their jobs because of the relocation to Capita's Shared Service Centre in Swindon. Not only does this highlight negative equality implications which Harrow as an employer has a public duty to consider through an Equality Impact Assessment (EIA) but it also presents a potential loss of local knowledge, commitment and expertise from this Council which is unlikely ever to be matched by Capita in Swindon or ever replaced again in Harrow. Therefore, UNISON cannot support a process which could undermine our member's equality in the workplace and that we would only support an option that most fully complies with the requirements of the equality duties which we feel is the in-house option. Harrow must place its equality duties on the top of its agenda and in assessing the impact of FBC in this regard, UNISON request that an Equality Impact Assessment be conducted in full consultation with this union and our members.

7. Capita- An equal partner or promoter of interests?

Capita, upon request from Harrow Council to conduct a FBC, have adopted a one sided biased approach, effectively promoting the use of their staff in Swindon and in using their questionable technology within its current IT infrastructure, disregarding the capabilities of the SAP system. UNISON believes that the partnership that exists between Harrow Council and Capita is being used as merely a loophole to further Capita's business interests. Harrow Council is presiding over this perceived loophole effectively justifying the loss of three Harrow residents/employees to the gain of people residing in the Swindon area.

As discussed earlier in this response, Capita did not even consider the value of the current high performing service nor did they consider alternative models such as in developing L&D as a 'centre of expertise', and training current employees to become 'super users' as mentioned in point five of this response which UNISON fully support and recommend for consideration. One need not look far afield to find a suitable effective partnership model which is being successfully deployed in Access Harrow. Here, Capita run and manage the frontline service and the staff remain in-house and on Harrow terms & conditions of employment. This clearly exemplifies the partnership working approach as each party mutually benefits from the other in terms of expertise and local knowledge. The result is an efficient, cost effective and award winning service which can and should be replicated in other areas of the Council e.g. L&D.

Harrow UNISON LG Branch

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FULL EQUALITY IMPACT ASSESSMENT QUESTIONNAIRE/CHECKLIST

Directorate	Chief Executive's	Section	Learning & development Administration		
1 Name of the function/ policy to be assessed	Proposal to transfer L&D Administration to a Capita managed service	2 Date of Assessment	20th August 2009	3 Is this a new or existing function/policy?	Proposal is to change the existing function
4 Briefly describe the aims, objectives and purpose of the function/policy	Provide administrative support for L&D Service and delivery of the Council's learning and development plans				
5 Are there any associated objectives of the function/policy? Please explain	No				
6 Who is intended to benefit from the function/policy and in what way?	Employees of the Council and the employees of Council partners who attend Council run L&D activities				
7 What outcomes are wanted from this function/policy?	Efficient and cost effective administration of L&D activities				

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8 What factors/forces could contribute/detract from the outcomes?	Ineffective IT, poor data quality and control, ineffective monitoring and reporting of activities		
9 Who are the main stakeholders in relation to the function/policy?	The Council and it's employees	10 Who implements the function/policy and who is responsible for the function/policy?	The Divisional Director HR&D
11 What data or other existing evidence have you used to assess whether the function/policy might have a differential impact? (please continue on a separate piece paper if necessary)	The current L&D administration service has been subject to review by Capita and they have submitted proposals for delivering a more effective managed service. There is no evidence of differential impact on service users however, If agreed, the managed service will be delivered from Capita's Swindon operation resulting in potential redundancies for those Council staff currently providing this service.		
12 Has the data or other evidence raised concerns that the function/policy might have a differential impact? If so in what area (please circle)?	Race X	Gender X	Disability Other
			(If other please specify) Religion X

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<p>13 What are the concerns? (please continue on a separate piece paper)</p>	<p>There are currently 3 L&D staff directly affected by the Capita proposals. They are all female Asian and Muslim</p>	
<p>14 Does the differential impact amount to adverse impact i.e. could it be discriminatory, directly or indirectly?</p>	<p>YES</p>	<p>15 If yes, can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?</p> <p>YES</p> <p>The FBC and report to Council members sets out the benefits of the proposal</p>
<p>16 Have you considered ways in which the adverse impact might be reduced or eliminated?</p>	<p>Decisions about who will be trained and the selection of training providers are unchanged by this proposal. The impact is therefore restricted to those staff who currently employed to carry out L&D administration and the Council is taking all reasonable steps to redeploy the affected staff to alternative posts in the Council</p>	
<p>17 How have you made sure you have consulted with the relevant groups and service users from Ethnic Minorities? Disabled people? Men and women generally?</p>	<p>Relevant staff and trade unions have been fully engaged and consulted throughout the development of the Capita proposal and there has been formal consultation regarding the impact of the proposed transfer to Capita.</p> <p>Council management have considered and agreed an Outline Business Case, Full Business Case and the final decision will be taken by elected members</p>	

HARROW COUNCIL

<p>18. Please give details of the relevant service users, groups and experts you are approaching for their views on the issues</p>	<p>Senior elected members, Council senior managers, Human Resources & Development management team, L&D staff and their trade unions</p>		
<p>19 How will the views of these groups be obtained? (Please tick)</p>	<p>Letter <input checked="" type="checkbox"/></p> <p>Meetings <input checked="" type="checkbox"/></p> <p>Interviews <input type="checkbox"/></p> <p>Telephone <input type="checkbox"/></p> <p>Workshops <input checked="" type="checkbox"/></p> <p>Fora <input checked="" type="checkbox"/></p> <p>Questionnaires <input type="checkbox"/></p> <p>Other <input checked="" type="checkbox"/></p>	<p>20 Please give the date when each group/expert was contacted</p>	<p>HRD Managers ongoing from 29/9/08 L&D staff ongoing from 12/11/08 Trade unions from 12/11/08 Senior managers 12/11/08 (OBC) Senior managers 8/7/09 (FBC) Senior elected members 29/7/09</p>

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21 Please explain in detail the views of the relevant groups/experts on the issues involved. (Please use a separate sheet if necessary)

Senior elected members have been briefed and broadly support the proposals as they will enable improvements in service delivery and cost efficiency. The Labour leader has expressed concerns that alternative service delivery options should also be explored and that the Contract should have a break clause to allow for review – this has been agreed.

Senior managers approve the Capita proposals as they offer a more effective system for administering L&D activity. In particular they enable more effective capture and reporting of L&D activity which will enable the Council to monitor and control L&D spend across the Council to ensure L&D it is being delivered equitably and cost effectively

HRD management support the Capita proposals as they offer a more effective system for administering L&D activity and enable more effective analysis and evaluation of L&D activities.

L&D staff and the trade unions understand the need to improve recording and reporting of L&D activities but prefer alternative options to outsourcing the administration service – see UNISON letter dated 11 August 2009

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<p>22 Taking into account the views of the groups/experts, please clearly state what changes if any you will make, including the ways in which you will make the function/policy accessible to all service users, or if not able to do so, the areas and level of risk (Please continue on a separate sheet if necessary)</p>	<p>Details of the Capita proposals, including the costs, benefits and changes in service delivery are set out in the Full Business Case. The report to Council members which accompanies the Full Business Case addresses the issues raised by staff and the trade union in UNISON's letter dated 11 August 2009</p>
<p>23 Please describe how you intend to monitor the effect this function/policy has on different minority groups (Please continue on a separate sheet if necessary)</p>	<p>The service will be monitored through regular reports on L&D activity and spend. Reports will be able to capture the L&D activities and spend across different staff groups including minority groups.</p>
<p>24 If any elements of your function/policy are provided by third parties please state, what arrangements you have in place to ensure that to ensure that the Council's equal opportunities criteria are met</p>	<p>Capita will be required to ensure that in delivering the service they comply with the Council's equal opportunities policy.</p>

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<p>25 Please list any performance targets relating to equality that your function/policy includes, and any plans for new targets (Please continue on a separate sheet if necessary)</p>	<p>That L&D activities are provided in accordance with the Council's L&D strategy & framework That contract performance is in accordance with the agreed service KPIs including delivery of the service is in line with the Council's equal opportunities policy</p>		
<p>26 How will you publish the results of this Impact assessment?</p>	<p>The EIA will be included with the report to elected members</p>	<p>27 Date of next assessment</p>	<p>March 2011</p>

Signed:
NAME: Jon Turner
Completing officer

Date: 20 August 2009

Signed:
NAME: Jon Turner
Lead Officer

Date: 20 August 2009

HARROW COUNCIL

Please list actions you intend to take as a result of this assessment. Attach additional sheets if necessary.

IMPROVEMENT PLAN

ISSUE IDENTIFIED	ACTION REQUIRED	LEAD OFFICER	TIMESCALE	COMMENTS
Impact on current staff	Seek redeployment	Jon Turner	Prior to proposed transfer early 2010	

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