

## **UNISON comments on the Council Response to the Add Pretium Report on the Housing Restructure**

1. These comments respond to the numbered paragraphs in the Council response. This commences with the observation that the Trade Unions lodged a formal dispute. We did this because of our concerns about race discrimination. Of the 27 restructures since April 2010 in Lambeth this is the only one in which BME staff have been over represented both among those at risk at the start of consultation and among those facing redundancy at the conclusion of the management review.
2. The Council point out that they commissioned the report on 16 May and received it on 20 August. It is the case that they did not publish a response until 16 October. The trade unions published a response in time for the Joint Strategy Forum on 5 September.
3. These comments should be read alongside the response and the original report.
4. These comments address the general commentary. Appended below is a commentary upon the Council proposals in response to the specific recommendations of the Add Pretium Report.
5. The Council says that it accepts the report as a basis upon which it will learn lessons. UNISON believes that this form of words is disappointingly equivocal but nevertheless amounts to an acceptance of the recommendations of the report. It is therefore inconsistent and very disappointing that the one recommendation which touches upon the immediate prospect of racially discriminatory dismissals is the one recommendation which the Council does not accept.
6. The Council's EIA process was undermined in this case most of all by the deliberate denial by the Divisional Director of the clear statistical evidence of disproportionate impact on BME workers. It was left to UNISON to educate management on this point at the initial stage.
7. The Council's emphasis on the importance that "both management and staff recognise" that - aside from the delay in publishing the EIA - the report "did not outline any procedural irregularities" manages to be both irrelevant and unhelpful. It is irrelevant because the Council itself was involved, more than fifteen years ago, in commissioning research which explained the operation of racism at work (which does not depend upon "procedural irregularities"). It is unhelpful because it continues to set the defensive tone of the Council response, which consistently demonstrates an inability on the part of management to be self-critical. It is clear to UNISON that key managers involved in this restructure do not understand that they are responsible for anything wrong.

8. The Council appear to criticise the report on the basis that it complied with terms of reference which the Council itself determined. The implication of the Council's response, that the report did not take sufficient account of the views of management, is as insulting to the report author as it is ill-informed. Management have consistently had ample opportunity to put their views over the course of the past year. Management are in a position of power and authority in the organisation and control all official channels of communication within the organisation.

9. UNISON would welcome greater openness and dialogue. However this requires an approach from management which welcomes and respects criticism. The tone of the Council's response to the Add Pretium report does not give grounds for optimism on this point.

10. The inclusion in its response to the report of the Council's observation about the adverse impact on management and staff of delay in implementing the restructure is highly worrying. This observation would only be relevant as part of the response if the Council attributed the delay to the report. It is therefore important to emphasise that every day of delay in this restructure has been entirely attributable to the conduct of management. The inclusion of this observation in the response does not encourage the reader to believe that management are yet accepting their responsibility for their own conduct.

11. The Council's observation that delaying the issuing of redundancy has "not necessarily brought any degree of comfort" is otiose. The Council's stated values (and statutory duty) dictate that where the Council may be about to discriminate unlawfully it should stop. UNISON welcomes a commitment to "prompt and relevant affirmative action" but is not confident that this is founded upon an acknowledgment by all managers involved of the necessity for, and legitimacy of such action.

12. UNISON welcomes the Council's view that the report offers lessons for wider application "beyond the immediate issue of the Housing Restructure". However we remain concerned that this shift to a wider focus averts the Council's gaze from an analysis of why this reorganisation has been so particularly discriminatory on grounds of race. It is important to emphasise once more that this is the only one of twenty seven documented reorganisations in Lambeth over the past three and a half years in which race discrimination is evident both at the start and end of consultation. At no point has UNISON seen evidence of managerial capacity for self-criticism. We will therefore continue to fill this gap as appropriate.

## **Appendix**

UNISON has the following comments on the Council's response to the Add Pretium recommendations, which reflect to some extent the proposals put forward by the trade unions to the Joint Strategy Forum on 5 September.

**Recommendation One** – The Council response does not go far enough UNISON propose also tightening up the wording or the procedure (e.g. add 2.2.2.3 *"If the information specified in paragraph 2.1.3 is not available consultation cannot begin."*)

**Recommendation Two** – as recommendation one.

**Recommendation Three** – We agree that the RRR policy should be reviewed and suggest writing into the policy at 3.3 optional exit interviews for all redundant staff and feedback interviews (and written feedback on request) for all staff unsuccessful at expression of interest or redeployment interviews.

**Recommendation Four** – We agree with this recommendation subject to ongoing trade union consultation.

**Recommendation Five** – We propose that as part of the RRR policy review we consider detailed additions/ amendments to paragraph 1.4 to clarify roles and responsibilities.

**Recommendation Six** – We agree with these proposals, which reflect those we made six weeks ago.

**Recommendation Seven** – The Council's failure to agree this recommendation, on the grounds that it is "impractical" signals in our view a deliberate intent to make dismissals which will, in the circumstances, be acts of unlawful race discrimination. Quite apart from the implications in employment law we believe that the Council, in failing to adopt this recommendation is in breach of s149 of the *Equality Act 2010*. This is particularly unacceptable to UNISON since we have made practical proposals to enable the Council to accept and act upon this recommendation to the Joint Strategy Forum on 5 September. The only practical means of implementing this recommendation is to seek mutually agreed outcomes in each individual case. We have proposed that all staff at risk in Housing should be offered at least one redeployment trial period with a named individual is to be responsible for resolving each individual case.

**Additional Management Action A** – UNISON welcomes the intent of this proposed action. However if management wish to restore the confidence of staff in Housing who have lost confidence in management, a self-critical approach will be necessary.

**Additional Management Action B** – The lesson of the Housing restructure is that the process of "supporting people through change" needs to be informed by an understanding of how institutional racism operates in organisations. UNISON is not confident that the Council's management yet appreciate this necessity or how to act upon it.