

Report to Swindon Local Councils Forum Meeting 19.09.2024

From Transfer of Services Working Party

A year ago, the Borough proposed that the Parishes extend their Transfer of Services arrangements such that the Borough groundwork staff could be taken off the Borough's books under a Transfer of Services (TUPE) arrangement.

The Parishes were sympathetic but some representatives with relevant experience questioned whether the scheme was viable. It became clear that the Borough didn't have answers to these questions but were insistent that agreement was required by this October.

This spring the Borough appointed an external consultant, Steve Iles, to take over negotiations. He didn't have the answers but came to understand the issues and has acted as a go-between between the WP and Borough.

This process revealed further issues, such as that most of the work to be transferred was statutory and so Parishes would have to enter into legally binding Deeds with service level schedules and record keeping. We also noted that neither side had found any examples of such an arrangement being implemented elsewhere that might provide a template

Following discussion, the following resolution was agreed at a meeting on 2nd September and forwarded to the Borough and Forum members:

"The Transfer of Services Working Party of the Swindon Local Councils Forum has considered the information provided in the Draft Scope of Services document and notes:

- the continued lack of a clarity over the legal underpinnings for Transfer of Services
- the lack of a method to transfer staff under TUPE Regulations
- the absence of clarity as to what constitutes statutory services
- that no solution to the Town Centre issue has been found
- the absence of a description of "ponds".

This despite the engagement of the Parishes for the last year. The Working Party has concluded that further negotiations are unlikely to produce a satisfactory result within the expected timetable, if at all, and should not continue further. We will so report to Forum members.

The Forum remains committed to the concept of partnership working as expressed in the Borough/Parish Protocol and invites the Borough to properly engage on this. Aspects of the Transfer of Services proposals can then be pursued within the Protocol framework."

SI has said that some Parishes had contacted him indicating a readiness to take on the elements of work in a schedule relevant to their Parish. It is questioned whether those offers overcame the issues raised above or the unequal burden that the "all or nothing" nature of the Borough's proposal would have placed on other Parishes.