

P-06-1315 Stop outsourcing at the Plas Menai National Outdoor Centre for Wales, Correspondence – Petitioner to Committee, 31.01.23

The outsourcing of Plas Menai to Legacy Leisure will take place with effect from tomorrow, 1 February and this is now, therefore, to some extent an academic matter. However, I think that the issue raises wider questions.

In respect of the Deputy Minister's response to the union's petition, I note her statement that "The terms of the agreement with Parkwood Leisure will ensure that all staff at the centre will have their terms and conditions of employment protected and that Plas Menai will retain its status as the National Outdoor Centre, operated on a not-for-profit basis." Assurances to this effect have been made on numerous occasions directly to PCS and to Plas Menai staff, by the Deputy Minister and by Sport Wales management. The union welcomes the attempt to provide an additional level of protection to the staff affected, over and above the legal protections afforded by TUPE, and we do not question the good intentions of the Deputy Minister or of Sport Wales. We have engaged in a constructive dialogue with management, both before and after the decision by the Sport Wales Board to award the contract to Legacy Leisure, and have tried to place staff in the strongest position possible. I should say, however, that the protections offered by TUPE are of limited value once a transfer has taken place, since changes in the circumstances of an organisation can be used to justify changes in staffing arrangements and in terms and conditions. Moreover, while Sport Wales' agreement with Legacy Leisure provides some additional protections in this respect - in effect, giving Sport Wales the power of veto over any major structural changes - that veto cannot be used in a way that could be deemed 'unreasonable.' Legacy Leisure has advised us of certain areas - not covered either by TUPE or by the agreement with Sport Wales - in which the policies governing staff are being brought into line with those that apply to their existing employees. While we have discussed these changes in detail, in order to ensure that they do not result in any substantive detriment to staff, only time will tell whether we have been successful.

The best protection for staff in such situations, therefore, is to allow them to retain their status as public employees; this remains the union's preference as a matter of policy and would have been the clear preference of Plas Menai staff in this instance. Moreover, it is still our view that the outsourcing of public sector jobs to an external provider conflicts with the frequently reiterated policy of the Welsh Government, that public services should be provided by staff directly employed within the public sector. It is normally the case, in our experience, that outsourcing is driven by an imperative to realise financial savings, normally by cutting staff, pay, terms and conditions and/or services to the end-user. We have been repeatedly reassured that this will not be the case in this instance and that the decision to outsource has been driven not by financial considerations at all but by the desire to enhance and diversify the range of services offered by Plas Menai. We asked on several occasions during our discussions with Sport Wales why that could not be achieved without changing the employment status of the staff but never received an answer that we considered convincing.

As already noted, the change highlighted by our petition is now going ahead and we in PCS hope that it will take place smoothly and without any adverse impact on staff. We would also

hope, however, that any comparable changes that may be proposed in the Welsh devolved public sector in future will be subject to Senedd scrutiny from an early stage.

Finally, I would add that we welcome the Deputy Minister's reassurances in respect of the continued provision of services through the medium of Welsh, as this is an important element of Plas Menai's offer to its service users.

Kind regards

Darren Williams