

## **EMPLOYMENT MATTERS COMMITTEE**

**12 JUNE 2019**

### **ORGANISATIONAL CHANGE**

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#### **Summary**

This report covers new reviews and transfers for the period 31 November 2018 to 31 May 2019.

#### **1. Budget and Policy Framework**

1.1 The staffing implications of reorganisations are a matter for this committee, which can decide on the employment policies and processes supporting any changes.

1.2 Directors may agree to reorganisations within their departments subject to there being:

- no significant service policy implications or clear departure from existing Council policies;
- no expenditure in excess of budget;
- no growth in net expenditure beyond the current year;
- no changes affecting Directors or Assistant Directors;
- consultation with the Assistant Director - Transformation.

#### **2. Background**

2.1 This Committee considers new organisational reviews and also includes details of the transfer of staff to and from other employers.

2.2 An update on on-going reviews that have been previously reported at Employment Matters Committee on 5 December 2018 are set out from paragraph 3 and are shown underlined. Reviews which have commenced and in some cases concluded since the last committee are detailed from paragraph 4 onwards.

### **3. Summary of ongoing Organisational Review consultations**

#### **3.1 Leisure Centre Catering**

3.1.1 Following a TUPE transfer of 23 employees from NORSE to Medway Council on 1 September 2017, a further decision has been taken to outsource the catering services at Strood Leisure Centre and Medway Park. The contract was awarded to Deep Beat Entertainment Ltd and 6 staff members transferred under TUPE on 1 February 2019.

#### **3.2 Front Line services**

3.2.1 The service was looking at a complete transformation of the Front Line Services division to deliver efficiency savings with an initial meeting being held with the Division's management team on 18 July 2017.

3.2.2 Phase One of the project concluded with two Service Managers moving into their new posts on 1 April 2018, two further Service Managers moved into their posts on 1 July 2018 and one voluntary redundancy was received and accepted.

3.2.3 Phases 2 and 3 were due to start in autumn 2018 but they have been delayed with no target date for implementation set currently.

#### **3.3 Innovation Centre - Catering Services**

3.3.1 Medway Norse had advised the Council that they no longer wished to run the catering service at the Innovation Centre and the decision has been made to return the running of the service back to the Council, resulting in a transfer of services, but with no subsequent TUPE of staff. The transfer took place on 22 December 2017.

3.3.2 A further decision was taken to outsource the café service. A procurement exercise was undertaken, but no suitable bids were received. Decision has now been taken to keep the service in-house.

#### **3.4 Bradfields School – catering contract**

3.4.1 The catering contract for Bradfield's School was awarded to Chartwell's Limited Due to the timescales for applying for admitted body status into the Local Government Pension Scheme (LGPS), 3 members of staff were seconded to Chartwell's from 1 August 2018. However, since then one member of staff has resigned and there are now only two members of staff that will TUPE transfer on the 1 July 2019, subject to the LGPS Admission Agreement being signed.

#### **3.5 Licensing Shared Service**

3.5.1 Discussions were ongoing with Gravesham Borough Council regarding entering into a Licensing Shared Service.

3.5.2 A report was presented to the Licensing and Safety committee on 26 June 2018; the Business Support Overview & Scrutiny on 5 July 2018; Cabinet on 10 July 2018 and Full Council on 19 July 2018.

3.5.3 Consultation with staff closed on 7 December 2018. Gravesham Council are to be the Host authority and 6 staff successfully TUPE transferred to Gravesham on 1 January 2019.

### 3.6 **Housing Strategy and Partnerships**

3.6.1 Following additional funding from Central Government, the Outreach Team from a partner agency (Turning Point) was brought in-house under TUPE with effect from 1 April 2019. One member of staff elected to transfer over to Medway Council.

### 3.7 **Revs and Bens SopraSteria**

3.7.1 The SopraSteria contract came to an end on 31 October 2018. The contract had been extended by 6 months. The contract is mainly for scanning and indexing of work. 6 staff were working on the contract, but it was likely that only 4 people (3.8fte) would transfer under TUPE.

3.7.2 Measures were given and staff consultation was undertaken. 4 staff successfully TUPE transferred onto Medway terms and conditions of service on 1 May 2019.

### 3.8 **Danecourt School – Catering Contract**

3.8.1 The catering contract for Danecourt School had been awarded to The Contract Dining Company Ltd. Due to the timescales for the admitted body status into LGPS 3 Members of staff were seconded to The Contract Dining Company with effect from 1 August 2018. 1 member of staff has since resigned with the remaining two members of staff potentially moving to the new provider's employment under a TUPE transfer with the proposed date of 1 July 2019, subject to the LGPS Admission Agreement being signed.

### 3.9 **Adult Social care**

3.9.1 Following a large scale restructure in 2017, Adult Social Care have reviewed the service with the help of a consultant firm (Glenesk) and with extensive involvement from staff. Following the recommendations of this review a proposal was put forward for consultation which closed on 15 November 2018.

3.9.2 It was proposed that there be a reduction in management roles and these savings re-invested into frontline roles. If accepted then there would be 3 staff at risk of redundancy.

3.9.3 Following consultation, where a large number of responses were received, 3 staff were at risk of redundancy. Of these 3 members of staff 1 was promoted, 1 was redeployed and 1 was made redundant.

### 3.10 **Hempstead Infant and Junior Schools**

3.10.1 Due to budget deficit predictions which are forecast for the next 3 years, the Governing Body at Hempstead federated schools have undertaken a review of their current staff structure and have consulted with two groups of staff,

namely the Headteachers at the Infant and Junior Schools and the Teaching Assistant group at the Infant School.

3.10.2 Consultation took place between 8 October 2018 and 19 October 2018. The impact of the review resulted in the reduction of one Headteacher post and a reduction of 65 hours per week of Teaching Assistant time (approximately 2.0fte) with effect from 1 April 2019 for the Headteacher restructure and 31 December 2018 for review of Teaching Assistants.

### **3.11 Family Group Conference Service**

3.11.1 The current Family Group Conference contract was awarded to Family Action on 18 July 2012. Following a review, it was highlighted that there was the potential to increase the effectiveness of the service if a more integrated approach was taken. In order to achieve a more integrated approach the decision was taken for the service to be delivered in-house and to form part of the Safeguarding Team.

3.11.2 The proposal was for the current staff employed by Family Action to TUPE across to Medway Council. The staff will be under the management of the Safeguarding Head of Service

3.11.3 4 members of staff have TUPE transferred into Medway Council with effect from 1 January 2019.

## **4 Summary of new Organisational Change proposals.**

### **4.1 Legal Place Team**

4.1.2 Legal Services were looking to undertake a restructure within the place team to increase resilience and enable the team to maximise forthcoming income generation opportunities. This proposed replacing two underutilised posts with two Lawyer posts and increasing the progression opportunities to assist with staff retention.

4.1.3 Consultation with the Staff and Trade unions commenced on 20 March 2019 and ended 23 April 2019. This resulted in two staff volunteering for redundancy, resulting in the remaining 2 staff slotting into posts. New structure to be effective from 1 June 2019.

### **4.2 ICT Strategic Review**

4.2.1. A review of the ICT team is currently being undertaken by the Business Change team.

4.2.2. The departure of the Head of ICT has provided an opportunity to reorganise the ICT service to meet current and future business needs. Proposals are still being formulated but will initially focus on the management tier.

### **4.3 Birth Parenting Support Service**

4.3.1 The proposal was for the current 1 member of staff employed by Family Action, who are the current provider of the service, to TUPE across to Medway Council. The 1 member of staff member TUPE transferred and will

be under the management of the Senior Practitioner within the Fostering and Adoption Team effective from 1 April 2019. This will allow for a more integrated service.

#### **4.4 St Peters Infant School**

4.4.1 Consultation commenced 3 May 2019 and closed 10 May 2019. The restructure of teaching staff and teaching assistants was due to falling rolls. The changes are effective from 1 September 2019. Following Teacher resignations no Teachers are at risk of redundancy, although numbers of Teacher posts are proposed to be reduced by 1.0fte. It is also proposed that 1 Teaching Assistant post will be deleted as of 31 August 2019.

#### **4.5 Crest Infant School**

4.5.1 Consultation commenced 1 May 2019 and closed 10 May 2019 to restructure the teaching staff with effect from 1 September 2019. The reorganisation has taken place on efficiency grounds and to ensure there are no more than two part-time teachers teaching a classroom. Limiting to no more than two part-time teachers will ensure continuity of care to pupils and enable the school to meet its pupil needs. A total of 0.4fte posts will be deleted as of 31 August 2019.

4.5.2 Rationalisation of mid-day meals cover arrangements from 1 September 2019 will ensure that pupils receive continuity of care. Teaching Assistants will be required to cover lunch break, meaning current mid-day meals supervisors are no longer required. 4 staff are facing compulsory redundancy.

4.5.3 Rationalisation of hours of classroom based TA's was proposed, however a request for voluntary redundancy has resulted in no compulsory redundancies.

#### **4.6 Halling Primary School Academisation**

4.6.1 An Academy order was received for Halling Primary School and under the TUPE Regulations 2006 so all 45 employees transferred to Cliffe Woods Academy Trust with effect from 1 April 2019.

#### **4.7 Health and Wellbeing Team – Public Health**

4.7.1 The Medway Council public health function delivers a wide range of high quality health improvement services that support residents to improve their health and wellbeing. The proposed changes will strengthen the existing public health senior management team structure and sets out the ambition to ensure the service is fit for purpose to deliver the council priorities for local people.

4.7.2 The proposal was to delete 1.0fte of the existing 6.0fte R6 Project Manager posts and create a new 1.0fte R7 Senior Public Health Manager position. One of the existing R6 post holders successfully applied and was appointed to the R7 post so there were no redundancies.

4.7.3 The new structure came into effect on 1 April 2019.

## **4.8 School Services, Children's and Adults Directorate**

- 4.8.1 In order to realign the resource within School Services more appropriately to the business requirement and following the addition of SEN Transport to the department, a consultation was undertaken on proposals to reorganise the structure.
- 4.8.2 The intended outcome was to embed the SEN Transport processes within the department with improved workflows for the team to provide effective and efficient service delivery for children and their families.
- 4.8.3 The department name was proposed to change to School Admissions and Transport to provide all customers with a clear indication of the services delivered by the department, removing any ambiguity.
- 4.8.4 It was proposed that the three vacant R4 posts were deleted and replaced with a Deputy Manager post R5. This was to reflect the additional work and responsibility each of the posts have undertaken in the realignment of services.
- 4.8.5 It was also proposed that five more posts be introduced to the structure, a new Senior Officer R4, an Officer R3, 2.0fte Assistants R2, 1.0fte apprentice, to allow for the integration of the additional SEN Transport Service and the realignment of the current services.
- 4.8.6 There was a further proposal to remove 1.0fte R7 Programme Lead post and create a new post 1.0fte Lead analyst post at R6. The R7 Programme Lead post was vacant so there was no redundancy situation.
- 4.8.7 This review came into effect from 1 March 2019. No redundancies were made.

## **4.9 Children and Adults Executive Support**

- 4.9.1 These proposed organisational changes provide the opportunity to review reporting lines and structure to improve service levels and clarity of roles as following a discussion at CADMT on 26 February 2019 it was concluded that it was essential to incorporate Executive Support cover for the Director of Public Health within the existing Executive Support Team staffing structure, meaning the Director of Public Health has the same level of Executive Support as other Senior Managers.
- 4.9.2 The current R4 Executive Support Officers (ESOs) spend significant time tracking and progressing FOIs, MP Enquiries and Councillor Enquiries so it was proposed to create a 0.8fte R2 Assistant to handle all FOIs and MP Enquiries enabling the R4 ESO's to focus more on project work rather than chasing up responses due. This was funded by a proposed reduction of the vacant 1.0fte R3 post.
- 4.9.3 It was also proposed that the R3 post currently sitting under the Director of Public Health moves to report to the Business & Intelligence Lead, Cross Directorate.

4.9.4 Consultation commenced on 26 March 2019 and concluded 9 April 2019. There were no redundancies.

#### **4.10 Client Financial Affairs**

4.10.1 The evolution of the Direct Payments (DP) Monitoring team, Income and Debt recovery team and Exchequer services team is proposed following the move in October 2018 from the finance department, to the Personalisation and Client Finance department, of two exchequer service officers.

4.10.2 The current structure has six teams, five of which have a senior or team leader responsible for day-to-day line management responsibility. The exchequer assistants are without a direct team leader, and therefore line managed by the Personalisation and Client Finance Lead.

4.10.3 This proposal looks to bring exchequer services, income and debt recovery, and DP monitoring under a single team leader. This will mean the deletion of 1.0fte at R4. A vacant R2 post will also be deleted from the structure.

4.10.4 Consultation commenced 07 May 2019 but no final outcome is known. These changes are proposed to come into effect from June 2019.

### **5. Support for Staff**

5.1 The Council recognises that change can be an unsettling time for everyone and every effort is made to support staff. In addition to the individual meetings with managers, the HR service provides support for affected employees and wherever possible we will redeploy individuals into new roles.

5.2 The Council's employee assistance provider (Care First) provides a free counselling and information line 24/7, 365 days a year. The Care First information line is managed by Citizen Advice Bureau trained advisers and can offer advice on a wide range of issues, which affect daily life such as employment, benefits, housing, debt etc.

5.3 We also encourage staff to talk to their Trade Unions to ensure that they get the necessary support. An Industrial Chaplain also provides opportunities for staff to contact her for support.

### **6. Risk management**

6.1 The risks in relation to these changes relate to both the services and staff involved. For the purposes of this report it is important to focus on the risk to staff. In addition to the personal implications for employees there are also some risks in losing highly valued skills. Recruitment arrangements have been reviewed and every effort is made to redeploy staff with transferable skills. This will go some way to mitigate these risks.

### **7. Financial and legal implications**

7.1 The proposed redundancies are being carried out in accordance with the Council's reorganisation procedure, and formal consultation with the trade unions and staff has taken place or is in the process of taking place.

- 7.2 The Council must ensure that the process for any proposed redundancies complies with the required statutory obligations to inform and consult employees both collectively and individually under Section 188 of The Trade Union and Labour Relations (Consolidation) Act 1992. The Council is also under a duty to inform the secretary of state under Section 193 of the above Act about proposed redundancies, where the relevant threshold has been met.
- 7.3 The process adopted must be in accordance with the Council's Organisational Change Policy (including redundancy) and comply with the general principles of fairness to minimise the risk of successful Employment Tribunal claims.
- 7.4 The savings resulting from the various restructures have been reflected in the Council's revenue budget, with redundancy costs met from use of a dedicated severance reserve and from individual budget areas.

## **8. Diversity Impact Assessments**

- 8.1 Service DIAs have been completed on the areas subject to reductions.

## **9. Recommendation**

- 9.1 The Employment Matters Committee is asked to note the present position and also the support arrangements for staff.

### **Lead officer contact**

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### **Appendices:**

Appendix A - Summary of reductions  
Appendix B - Summary of transfers

### **Background papers:**

None