

EMPLOYMENT MATTERS COMMITTEE

27 APRIL 2022

ORGANISATIONAL CHANGE

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Summary

This report details new reorganisations of services and transfers under the TUPE regulations for the period 01 October 2021 to 31 March 2022 and updates on on-going reviews that have previously been reported at Employment Matters Committee but not concluded.

1. Budget and policy framework

1.1 The staffing implications of organisation change 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 Head of HR.

2. Background

2.1 This Committee considers new reorganisations of services and includes details of the transfer of staff to and from other employers under the TUPE regulations.

2.2 An update on on-going reorganisations that have been previously reported at Employment Matters Committee on 30 November 2021 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.

2.3 Whilst Members need to be apprised of all decisions taken in relation to early retirement and severance payments, it is important that any data provided does not risk individual employees being identified. Therefore, to avoid any breach of GDPR and in accordance with Section 40 of the Freedom of Information Act 2000 and Article 5 of the GDPR, this report will not release data that may identify individuals involved.

2.4 This report can be cross referenced with the Early Retirement and Redundancy Payments report which details the financial costs of retirement and redundancy some of which is as a result of organisational change.

2.5 The Organisational Change report and the Early Retirement and Redundancy report are dealt with as a separate item on the agenda for this meeting.

3. Summary of ongoing Organisational Review consultations

3.1 All organisational reviews reported at EMC on 30 November 2021 have concluded. New organisational reviews are detailed in section 4.

4. Summary of new Organisational Change proposals

4.1 **Parking Services**

4.1.1 The Business Change team have supported the Head of Parking with a review of their service to address capacity issues for the existing manager.

4.1.2 The intended outcome of the review was to address the spans of control for the Parking Enforcement and Maintenance Manager to bring it to a more manageable level, as well as responding to the changes in P&D machines, ANPR and the introduction of EV charging points.

4.1.3 The changes proposed were to introduce the role of Parking Maintenance Manager enabling the provision of a dedicated resource to manage the car parks and their maintenance, whilst also taking responsibility for developing the car parks, including transformation, such as the rollout of ANPR and EV charging.

4.1.4 Staff affected by the proposed changes were spoken to at a very early informal stage by the Head of Parking and a period of formal consultation followed which ran for 14 days.

4.1.5 During the period of consultation one member of staff requested voluntary redundancy, which was accepted.

4.1.6 The new service went live successfully on 1 November 2021.

4.2 TUPE of Kyndi recruitment staff to Medway Council

- 4.2.1 Following a report submitted to Cabinet and approved at Full Council, the Recruitment team currently working at Kyndi have transferred to the council under TUPE with effect from 1 April 2022.
- 4.2.2 A period of consultation was held from 3 March 2022 – 17 March 2022 and no objections were raised.
- 4.2.3 In total 5 staff transferred to the council (4 placed within HR and 1 within Finance).

4.3 Street Naming & Numbering

- 4.3.1 The Business Change have been working with both Highways and the Business Intelligence team regarding the move of Street Naming & Numbering (SNN) from Highways into the GIS team within Business Intelligence.
- 4.3.2 With the SNN and Local Land & Property Gazetteer (LLPG) functions currently split across two teams there were efficiencies to be gained by combining the functions into one team.
- 4.3.3 Formal consultation started with the affected member of staff on 1 February 2022 and was originally due to run for a 14-day period. However, due to staff absences caused by Covid 19 within the Highways team, the affected employee requested a further 2 weeks extension to the consultation, which was agreed. The consultation therefore closed on 1 March 2022.
- 4.3.4 The Acting Head of Highways and the Business Intelligence Lead have considered the counter-proposals and have agreed the transfer of Street Naming & Numbering to Business Intelligence with effect from 1 April 2022.

4.4 TUPE of Sign Shop Services

- 4.4.1 Medway Council has historically provided an internal sign making service known as the Sign Shop. The Sign Shop was located at the Civic Centre in Strood and was managed by Waste Services, which is now Environmental Services. The service was transferred to Highways a few years ago and currently runs as a “breakeven” service with costs balanced by income. The main customers are the Highways Team and Events Team, but the service has the potential to be more commercial and become an income generating business if it was managed within a commercial environment.
- 4.4.2 At Star Chamber on 3 November 2021, it was proposed that the service could transfer to Medway Norse. Formal consultation started with the employee concerned on Tuesday 1 February 2022 and ended on Tuesday 1 March 2022. The employee was very positive about the transfer and the opportunities this would provide to both himself and the service.
- 4.4.3 The transfer was completed and effective from 1 April 2022.

4.5 Will Adams

- 4.5.1 The HR Consultant (Schools) has worked with the Will Adams Centre (now Will Adams Academy) on the academisation and TUPE Transfer of 26 staff to the Alternative Learning Trust. A period of consultation was held with the trade unions and staff between 12th January and 11th February, no objections to the proposed transfer were raised.
- 4.5.2 Staff were transferred to the Trust on 1st April 2022.

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 staff can have with their managers, the HR service provides support for affected employees and wherever possible we will help support the redeployment of 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. A Workplace Chaplain is also available to staff for support.

6. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Loss of highly valued skills & knowledge	Should staff be made redundant then the council risk losing valued skills & knowledge	Redeployment of staff with transferrable skills	D3

7. Financial implications

- 7.1 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. Legal implications

- 8.1 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.
- 8.2 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.
- 8.3 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.

9. Recommendation

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

Lead officer contact

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Appendices

Appendix A – Summary of Reductions as Reported

Background Documents

None